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# ACCOUNTS AND PAPERS:

*THIRTY-SIX VOLUMES.*

—*(32.)*—

## STATE PAPERS.

AUSTRIA; BELGIUM; DENMARK;
FRANCE; MEXICO; POLAND; PORTO NOVO; PRUSSIA;
SPAIN; STADE DUTIES; UNITED STATES.

Session

5 *February* — 6 *August* 1861.

VOL. LXV.

1861.

# ACCOUNTS AND PAPERS:

## 1861.

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## *THIRTY-SIX VOLUMES:—CONTENTS OF THE*

## THIRTY-SECOND VOLUME.

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# PAPERS

RELATING TO THE

# ARREST AND EXTRADITION

OF

# COUNT TELEKI.

*Presented to the House of Commons, by Command of Her Majesty, in pursuance of their Address dated February* 15, 1861.

LONDON:
PRINTED BY HARRISON AND SONS

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RETURN to an Address of the Honourable the House of Commons, dated February 15, 1861;
*for*—

"Copies of, or Extracts from, any Correspondence with Her Majesty's Minister at Dresden, relative to the Surrender of Count Téleki to the Austrian Government."

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No. 1.

*Mr. Murray to Lord J. Russell.*—(*Received December* 31.)

(Extract.) *Dresden, December* 28, 1860.

I LEARNT two days ago that, at Count Téleki's request, the Baron de Beust had paid him a visit after his arrest. His Excellency, on that occasion, explained to the Count that, under an extradition clause in the Treaty existing between the two countries, the Saxon Government had no choice but to surrender him on the demand of Austria, and that he, the Count, knowing the relation in which he stood towards his own Government, had certainly been guilty of great imprudence in coming here under an English passport, and remaining here several weeks in constant intercourse with Hungarian refugees, thereby giving the Austrian Government ample time to identify him and make their demand for his surrender.

The Count appearing apprehensive that his life would be in danger in the hands of the Austrians, M. de Beust told him that, although he himself could not give him any official assurance, or in any manner influence the conduct of the Austrian Government towards him, still he had no hesitation in giving his private opinion that the Count's life was in no danger whatever, but that he must probably make up his mind to the loss of his liberty during the continuance of those disturbances in Hungary which Kossuth and others, with whom the Count had been intimately connected, were fostering, with so much activity.

M. de Beust informed me that he had written, unofficially, to Vienna (I presume to Count Rechberg), expressing a hope that the Austrian Government would act as leniently towards Count Téleki as might be consistent with its own security.

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No. 2.

*Lord J. Russell to Mr. Murray.*

Sir, *Foreign Office, January* 2, 1861.

I HAVE received your despatch of the 28th ultimo upon the subject of the surrender of Count Ladislaus Téleki, by the Saxon Government, to the Austrian authorities; and I have to instruct you to ask Baron Beust if he has any objection to communicate to Her Majesty's Government a copy of the Extradition Treaty between Saxony and Austria under the provisions of which his Excellency states that the Count has been delivered up.

I am, &c.

(Signed) J. RUSSELL.

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No. 3.

*Mr. Murray to Lord J. Russell.—(Received January 7.)*

My Lord, *Dresden, January 4, 1861.*

I HAVE the honour to inclose, for your Lordship's information, translation of an article that appeared in this day's "Dresden Journal," on the subject of the arrest and extradition of Count Ladislaus Téleki. The subject has lost its interest now, as the Count has since been pardoned and set free by the Emperor of Austria; but if this article is to be considered as offering even a semi-official exposé of the views and conduct of the Saxon Government respecting the matter, it certainly is calculated to damage rather than to raise them in public opinion.

For although the Saxon Government might, under an extradition clause in a Treaty, have been compelled to give up an Austrian subject amenable to the laws of that country, so soon as the Austrian Government should have ascertained the identity of the person accused, there could be no clause in the Treaty, nor any obligation, moral or political, requiring the Saxon Government to act through its police agents as spies on, and detectors of, the Hungarian refugee, and yet such is the part which the accompanying article represents it to have played.

The affair of Count Ladislaus Téleki having terminated so satisfactorily, it seems exceedingly unwise on the part of the organs or advocates of this Government to recall attention to that portion of the drama which placed Saxony before the world in a position most disagreeable, if not humiliating.

I have, &c.

(Signed) CH. A. MURRAY.

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Inclosure in No. 3.

*Extract from the "Dresdener Journal" of January 3, 1861.*

(Translation.)

WE yesterday received from Vienna intelligence of the pardon of Count Téleki. Since we communicate below an article from the "Wiener Zeitung" relating to this affair, we shall make a few preliminary remarks on the course which this matter has taken, seeing that certain foreign journals are continually exerting themselves to represent the conduct of the Saxon Government, in the delivering up of Count Téleki, and in his arrest, as odious, or at least hasty; or even to make it appear that it was done in order to place Austria, without necessity, in an embarrassing situation.

A communication had been made on the 27th November to the Saxon Government by the Austrian police, that, according to reliable information, Count Ladislaus Téleki was about to repair to Dresden, and there meet a Hungarian lady, who was described as belonging to the Extreme party in that country. To this communication instructions were added to watch Count Téleki, and as far as possible to keep him under surveillance during his residence in Dresden; above all things, however, instantly to transmit to the Austrian Government intelligence of his arrival. The necessary investigations were accordingly made by the Saxon police, and as soon as it appeared clear that a stranger, who had been residing here for some weeks under the name of John Harold, and had held frequent intercourse with the above-mentioned lady, was Count Téleki, the information was transmitted through a diplomatic channel to the Austrian Government. The latter immediately considered the proof of this fact to be of great importance; and as, on the 17th December, the identity of the pseudo John Harold with Count Ladislaus Téleki was satisfactorily established, the Count was provisionally arrested, and intelligence of the same was at once given to the Austrian Mission here; upon which the latter, on the same day, the 17th December, appealing to the Extradition Treaty of the year 1854, existing between the two States, and observing that the Imperial Court of Justice in Vienna was the authority requiring the same, demanded the delivery of Count Téleki, who was judicially under prosecution by Austria.

The Saxon Government, however, was of opinion that it ought not at once to comply with these instructions which had been transmitted through a diplomatic channel, but demanded rather that a formal requisition should, first of all, be made by the Austrian Government to the Saxon Police, in whose custody Téleki was, before the extradition could be agreed to. This requisition of the Austrian Government was made, and the extradition of the Count was not until then complied with, which took place on the 21st December.

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No. 4.

*Mr. Murray to Lord J. Russell.*—(*Received January 7.*)

My Lord, *Dresden, January 5, 1861.*

I HAVE the honour to inclose, for your Lordship's information, translation of a despatch addressed by Count Rechberg to Baron Werner, Austrian Minister at this Court, on the subject of the arrestation and subsequent liberation of Count Ladislaus Téleki, published in the "Dresden Journal" of yesterday.

I have, &c.

(Signed) CH. A. MURRAY.

---

Inclosure in No. 4.

*Count Rechberg to Baron Werner.*

(Translation.)

Most Noble Baron, *Vienna, January 1, 1861.*

I HAVE already informed your Excellency, by means of the telegraph, that Count Ladislaus Téleki, who had been arrested at Dresden, and given up to the Imperial tribunal, at the instance of the Viennese Court of Justice, has, by command of His Majesty the Emperor, been released from custody.

His Majesty caused the Count to be examined in his presence, and the Count promised before the Monarch against whom he had been offending for upwards of ten years, to renounce all hostile intrigues with foreigners, to take up his abode within the Empire, and in the meantime to avoid taking any part in politics. His Majesty was then pleased, according to his supreme power, to put a stop to all further judicial proceedings against him.

The Imperial Government, when informed that Count Téleki was residing in Dresden with an English passport made out under the name of John Harold, would have considered itself open to the reproach of reprehensible weakness had it not remembered that a Treaty exists between Austria and the Confederated States of Germany respecting the extradition of political offenders. It was also too conscious of the firm and unalterable sense of justice of His Majesty the King of Saxony and of the Royal Government not to be convinced that the Government of Saxony would never, from dread of the attacks of excited party zeal, fail to fulfil an obligation confirmed by a Treaty. On the other hand, however, it was well aware that the Saxon Government would consider its duty to be rendered the easier by the conviction that the fate of the fugitive detained at Dresden would but furnish fresh testimony of the clemency and magnanimity of our noble Monarch.

Our high opinion of the conscientiousness of the Saxon Government has not been belied. On my side, however, I experience the most supreme satisfaction in requesting your Excellency to communicate this despatch to Baron de Beust, who has known how to combine with his duty as a Statesman such a noble and humane interest in the fate of the individual in question.

Accept, &c.

(Signed) RECHBERG.

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No. 5.

*Mr. Murray to Lord J. Russell.*—(*Received January* 21.)

My Lord, *Dresden, January* 18, 1861.

I HAVE the honour to inclose herewith, for your Lordship's information, a translation of the Extradition Treaties on which the Saxon Government acted in delivering up Count Téleki to Austria.

I have, &c.

(Signed) CH. A. MURRAY.

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Inclosure in No. 5.

*Decrees of the Saxon Government respecting the Extradition of Political Criminals.*

(Translation.)

With a view to make known the Resolution of the Confederation with respect to the Punishment of Transgressions against the German Confederation, and the Extradition of Political Criminals within the territory of the German Confederation, of October 15, 1836.

We, Frederic Augustus, by the grace of God, King of Saxony, &c., &c., &c., hereby make known that a Resolution to the following effect, with respect to the punishment of transgressions against the German Confederation and the extradition of political criminals within their territory, was passed in the full assembly of the Confederation, August 18, 1836:—

Article 1. Every attempt against the existence, the integrity, the safety, or the constitution of the German Confederation, is to be tried and punished in the several Confederated States according to the laws at present existing in them, or according to the laws by which a similar crime committed against a separate Confederate State would be condemned as high treason, treason against the country, &c.

Article 2. The Confederated States mutually engage to deliver up to the injured or threatened State any individuals convicted of any attempt hostile to the Sovereign, or to the existence, integrity, constitution, or safety of another Confederated State, or of a conspiracy with a view to such attempt, or of participation in such a conspiracy, or of favouring such; with this proviso, that such individual is neither a subject of the State applied to for his extradition, nor already liable to trial or punishment for other crimes with which he may be charged.

Should the attempt of which the individual is convicted be directed against several Confederated States, the extradition must be made to that State which first makes the application for it.

In ordering, according to the 89th Article of the archives of the Constitution, the publication of the above Resolution of the Confederation, we ordain, at the same time, that in the instances mentioned in Article 2, the provisions of the law concerning the higher Courts of Judicature, and the course of proceedings in matters of justice, dated January 28, 1835, section 10, shall in future be followed.

According to custom we have executed this Decree with our own hands, and caused the Royal Seal to be affixed to it.

*Dresden, October* 15, 1836.

(Signed) FREDERIC AUGUSTUS.

(Signed) JULIUS T. J. VON KÆNNERITZ.

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Decree respecting the publication of the Resolution of the Confederation relating to the Extradition of Criminals in the territory of the German Confederation, dated February 27, 1854.

We, Frederic Augustus, by the grace of God King of Saxony, &c., &c., &c., hereby make known that a Resolution to the following effect respecting the

mutual extradition of criminals in the territory of the German Confederation was passed in the Session of the Confederation of the 26th January, 1854:—

Article 1. It being understood that the Decrees which were issued in accordance with the Resolution of the Confederation of the 18th August, 1836, respecting the delivering up of political offenders, are to continue in force, the following Articles for enforcing that Resolution are likewise decreed. The Confederated States mutually engage to deliver up individuals condemned for or accused of any crimes or transgressions (not being frauds in matters of taxation, or transgressions against police or financial regulations) by a Tribunal of the State in which or against which the crime was committed, or against whom a sentence of arrest has been there pronounced, to that State; it being understood that the offence be likewise recognized as a crime or transgression by the laws of the State upon which the demand is made, and that the punishment has not yet become inapplicable through lapse of time.

The only exceptions are—

(1.) When the individual in question is a subject of the State called upon to deliver him up.

(2.) When the Justiciary Court of the State, from which the surrender of an accused person has been demanded, is itself competent to take cognizance of and punish the offence on account of which the demand for extradition has been made.

(3.) When the individual to be delivered up is in detention in the State which is required to deliver him up, on account of other acts, or under arrest on account of debt or any other obligations.

Article 2. In cases coming under Article 1, (3), the extradition can only take place after acquittal, termination of sentence, or when the arrest of the person is at an end.

Article 3. With the individual all articles are to be given up which may be in his possession, as well as any others which may aid in proving the crime.

Article 4. The extradition is to take place at the request of the competent tribunal, or if there be a question of the arrest of a prisoner who has escaped, on the demand of the Administration of the Criminal Tribunal in question to the magistrates or police of the district in which the accused resides.

In the demand for extradition, the crime or transgression of which the individual is accused, or for which he has been condemned, is to be mentioned; also the date of the commission of the offence. If the offender has been condemned, the tribunal which tried him is to be specified, and the material part of the *procès-verbal* is to be given.

The tribunal called upon to deliver up the individual must at once take steps to examine and decide upon the demand, and the extradition is then to take place at the frontier-town lying nearest to the place of arrest, in which a tribunal of the proper kind exists to receive him.

Article 5. If the extradition has been demanded by several States, it is to be granted to that State which first applied for it.

Article 6 relates entirely to the expenses attending the detention of the individual.

Article 7. The transport of individuals to be delivered up from the Confederated States of Germany, or from other countries, shall be permitted, without hindrance, in the States of the Confederation lying between: and this obligation of extradition is subject to the same exceptions and restrictions which are established in Article 1 (1 to 3) regarding the obligation of extradition.

Article 8 relates solely to the security for the goods of the individual delivered up.

Article 9 relates to the expenses.

Article 10. By this contract the Extradition Treaties existing between separate German States are rendered void in so far as they contain Decrees at variance with the mutual obligations established by this contract, or do not contain any special covenants respecting extraditions and the expenses of the same.

The renewal of the Extradition Treaties existing with foreign States will be attempted in a manner conformable with the contents of this Contract.

Article 11. The Dukedom of Limburg is excepted from participation in these Treaties.

In decreeing, according to § 89 of the Archives of the Constitution,

the publication of the foregoing Resolution of the Confederation, we command that all our courts of law yield due obedience to the same.

According to custom, we have drawn up this Decree with our own hand, and affixed thereto our Royal Seal.

*Dresden, February* 27, 1854.

(Signed) FREDERIC AUGUSTUS.

(Signed) Dr. Ferdinand Zschinsky.

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Decree for making known the Agreement with the Imperial Austrian Government respecting the extension of the Resolutions of the Confederation which were framed on the 18th August, 1836, and the 26th January, 1854, respecting the Extradition of Criminals in the Territory of the German Confederation to the dominions of the Austrian Empire, which do not form part of the Confederation, dated January 10, 1855.

An agreement has been made with the Imperial Austrian Government, in consequence of the negotiations entered into on this matter concerning the extension of the Resolution come to in the third sitting of the representatives of the German Confederation of 26th January, 1854 (Laws and Decrees of the year 1854, p. 74) respecting the mutual extradition of ordinary criminals in the territory of the German Confederation, and of the Resolution of the Confederation made known on the 18th of August, 1836, by a Decree respecting the extradition of political criminals (Laws and Decrees of the year 1836, p. 308) to the dominions of Austria not forming part of the German Confederation, according to the contents of the following Ministerial proclamation of 28th December 1854, which was exchanged for a similar Proclamation of the Minister for Foreign Affairs of the Emperor of Austria, and of the Imperial Court of the 17th of the same month; and the same is made known with consent of His Majesty the King for its due observance.

*Dresden, January* 10, 1855.

By order of the Minister of Justice,

(Signed) Dr. ZSCHINSKY.

*Ministerial Proclamation.*

The Governments of Saxony and Austria have entered into an agreement to extend both the decisions of the Resolution framed in the third sitting of the German Confederation of January 26, 1854, respecting the mutual extradition of ordinary criminals in the territory of the German Confederation, as also the decisions of the Resolution of the Confederation of the 18th August, 1836, respecting the extradition of political criminals, to the dominions of the Austrian Empire not forming part of the German Confederation; so that the decisions of these Resolutions of the Confederation are to operate fully in those cases in which the crime or transgression on account of which the extradition of an individual is demanded by the proper Austrian authorities from the Government of Saxony, was committed in a territory of the Austrian Empire not forming part of the German Confederation, or by the subjects of such a territory against the Imperial Government; so also, on the other hand, in the case where the Saxon Government, according to the above-mentioned Resolutions of the Confederation, claims the extradition of an individual from the Imperial Austrian Government, who is sojourning in a part of the Austrian Empire not appertaining to the Confederation.

Furthermore both Governments agree that nothing is hereby altered in the obligations undertaken by the Excise, Commercial, and Taxation Treaties of 19th February and 4th April, 1853. In testimony of which, by the authority of the King of Saxony, this declaration has been drawn up, and the same is to be publicly proclaimed after the exchange of this document for an Austrian Ministerial Decree of the same nature.

*Dresden, December* 28, 1854.

By order of the Ministers for Foreign Affairs and for the Administration of Justice.

(Signed) BARON DE BEUST. Dr. ZSCHINSKY.

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# Papers relating to the Arrest and Extradition of Count Téleki.

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*Presented to the House of Commons, by Command of Her Majesty, in pursuance of their Address dated February* 15, 1861.

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LONDON:
PRINTED BY HARRISON AND SONS.

# DESPATCH

FROM

# LORD HOWARD DE WALDEN

RESPECTING

# PASSPORT REGULATIONS

IN

# BELGIUM.

---

*Presented to both Houses of Parliament by Command of Her Majesty.*
1861.

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LONDON:
PRINTED BY HARRISON AND SONS.

# Despatch from Lord Howard de Walden respecting Passport Regulations in Belgium.

*Lord Howard de Walden to Lord J. Russell.*—(*Received May* 25.)

(Extract.) *Brussels, May* 24, 1861.

I HEREWITH inclose a copy of a note which I have received from the Minister of Foreign Affairs, in which his Excellency furnishes the answers to the questions contained in your Lordship's despatch of the 1st of April respecting the recent alterations in the passport system in Belgium.

Inclosure.

*M. de Vrière to Lord Howard de Walden.*

My Lord, *Bruxelles, le* 23 *Mai,* 1861.

PAR votre office du 4 Avril dernier vous avez exprimé le désir de recevoir quelques éclaircissements sur la portée des modifications introduites en Belgique au régime des passeports.

Je regrette que des circonstances indépendantes de ma volonté ne m'aient point permis de répondre plus tôt à la communication de votre Excellence. Je vais aujourd'hui avoir l'honneur d'indiquer le régime qui sera établi dorénavant en cette matière pour les voyageurs originaires de la Grande Bretagne.

Ainsi que votre Excellence en est déjà informé, la vérification du titre de voyage à la frontière a été supprimée d'une manière générale depuis le mois de Février dernier.

L'obligation de faire viser le passeport par un Agent Diplomatique ou Consulaire Belge a été également supprimée en faveur des nationaux d'un grand nombre de pays, parmi lesquels figure l'Angleterre.

J'ajouterai que depuis longtemps déjà cette exigence avait disparu vis-à-vis des personnes appartenant à cet Etat.

En ce qui concerne la faculté de circuler librement dans le royaume, l'étranger qui veut y être autorisé, doit, de toute nécessité, être en mesure d'établir, au besoin, son identité et sa nationalité.

En règle générale, donc, l'intéressé ne peut se dispenser d'être muni d'un passeport; mais en présence des facilités qui sont d'application générale dans le Royaume Uni de la Grande Bretagne et d'Irlande, et dont les Belges sont ainsi appelés à profiter, le Gouvernement du Roi consent à ce que, pour les voyageurs Anglais, il soit, au besoin, suppléé au passeport par toute autre pièce établissant suffisamment l'individualité ou l'identité du porteur.

Les dispositions que je viens à faire connaître à votre Excellence lui permettront, sauf en deux points sur lesquels je reviendrai tantôt, de répondre aux questions qui lui ont été posées par son Gouvernement.

Ces dispositions seront appliquées en Belgique aussi longtemps que le Gouvernement du Roi ne jugera point opportun de les modifier.

Dans le cas où un changement serait ultérieurement jugé nécessaire, le Gouvernement Britannique en serait informé à l'avance, de telle sorte que ses nationaux ne fussent point, involontairement du moins, exposés à des difficultés d'aucune nature.

Son Excellence M. le Secrétaire d'Etat pour les Affaires Etrangères à Londres désire savoir si un passeport est demandé à un sujet Anglais qui ne fait que traverser la Belgique sans y passer une nuit.

La réponse à cette question est négative. Cependant, si dans le parcours, l'étranger se trouvait, par suite de circonstances exceptionnelles, dans une position telle que l'autorité aurait un sérieux intérêt à le connaître, il serait tenu de justifier de son individualité ou de son identité, mais ces cas sont excessivement rares.

En ce qui concerne la seconde question posée par son Excellence M. le Secrétaire d'État, je puis, après les explications, dans lesquelles j'ai eu l'honneur d'entrer plus haut, me borner à dire que quand le séjour fait dans le pays n'est que d'une nuit, il est bien rare qu'en fait le passeport (ou le document équivalent) soit demandé.

Veuillez, &c.
(Signé) DE VRIERE.

(Translation.)

My Lord, *Brussels, May* 23, 1861.

BY your note of the 4th of April last, you expressed the desire to receive certain explanations respecting the bearing of the modifications introduced in Belgium in the passport system.

I regret that circumstances over which I had no control have prevented me from sooner replying to your Excellency's communication. I shall now have the honour to point out the rule which will henceforth be established in this matter for travellers who are natives of Great Britain.

As your Excellency is already informed, the verification of the passport at the frontier has been suppressed generally since the month of February last. The obligation to have the passport *visé* by a Belgian Diplomatic or Consular Agent has also been suppressed in favour of the subjects of several countries, of which England is one. I should add, that for a long time past this requirement had been dispensed with in the case of persons belonging to that State.

As regards the power of free circulation in the kingdom, a foreigner who wishes to be authorized for this is absolutely required to be able to prove, if need be, his identity and his nationality.

As a general rule, therefore, the person interested cannot dispense with being furnished with a passport; but in consideration of the facilities which are generally granted in the United Kingdom of Great Britain and Ireland, and the benefit of which Belgians are also permitted to enjoy, the Government of the King consents that in the case of English travellers there may be substituted, if necessary, any other document which sufficiently establishes the personality or identity of the bearer.

The arrangements that I now communicate to your Excellency will enable you (excepting on two points, to which I shall presently recur) to reply to the questions which have been put to you by your Government. These arrangements will be applicable in Belgium so long as the Government of the King shall not consider it desirable to alter them.

In the event of a change being considered necessary hereafter, the British Government would be informed of it beforehand, in such manner that its subjects might not, at any rate involuntarily, be exposed to difficulties of any kind.

His Excellency the Secretary of State for Foreign Affairs in London desires to know whether a passport is demanded of an English subject who merely passes through Belgium, without passing a night there.

The answer to this question is in the negative. Nevertheless, if during his journey the foreigner should find himself, owing to exceptional circumstances, in such a position that the authorities might have serious reasons for knowing who he was, he would be required to prove his personality or his identity; but these cases are exceedingly rare.

As regards the second question put by his Excellency the Secretary of State, I may, after the explanation into which I have had the honour of entering above, confine myself to saying that when the stay made in the country is for a single night only, it very seldom happens that the passport (or the equivalent document) is actually demanded.

Accept, &c.
(Signed) DE VRIERE.

# BELGIUM.

DESPATCH from Lord Howard de Walden respecting Passport Regulations in Belgium.

*Presented to both Houses of Parliament by Command of Her Majesty.* 1861.

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PRINTED BY HARRISON AND SONS.

# CORRESPONDENCE

RESPECTING THE

# AFFAIRS OF THE DUCHIES

OF

# SCHLESWIG AND HOLSTEIN.

## 1860—61.

*Presented to both Houses of Parliament by Command of Her Majesty.*
1861.

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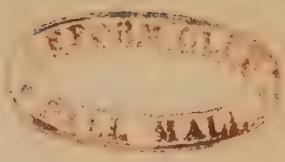

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# Correspondence respecting the Affairs of the Duchies of Schleswig and Holstein. 1860—61.

## No. 1.

*Mr. Paget to Lord J. Russell.—(Received February 20.)*

(Extract.) *Copenhagen, February 16, 1860.*

IN reference to Schleswig, I have the honour to transmit to your Lordship a translation of a petition to the King, signed by twenty-seven members (more than half) of the Schleswig Diet, relative to the grievances which oppress the Duchy.

Your Lordship will perceive that the subjects principally alluded to are: the forced instruction in the Danish language, the use of Danish in the churches in districts where it is not understood, the suppression of certain scientific societies, restrictions on the liberty of the press, the prohibition of all meetings, and the desire of Schleswig to be politically united with Holstein.

Inclosure in No. 1.

*Petition.*

(Translation.)

Most Gracious Majesty!

IN consequence of your Royal Majesty's commands the States were called together for the last time in this electoral period, and for the first time after the publication of the Patent of November 6, 1858. The relations in the different portions of the country subject to your Majesty's sceptre are of such a peculiar nature that the States consider it their duty, as openly as humbly, to pronounce themselves with respect to the same.

The States feel themselves the more obliged to this step as your Majesty, in the Patent of Summons of December 20, 1859, pronounced the expectation that the States on their side would assist in carrying out your Majesty's fatherly wishes; and that thereby the trust reposed in them will be fulfilled.

The States could give the most humble assurance that, as it hitherto has always been their steadfast endeavour, so they would in the present session seize with joy every opportunity which might offer to carry out the graciously pronounced expectation, and give a testimony of their unlimited confidence in your Majesty's fatherly views.

We beg your Majesty that you will be graciously pleased to recognize that what has led us to this step is a care for the welfare of the portion of the Monarchy which we represent, and the conviction that we could not better respond to the steady confidence placed in us than by openly, and without restraint, confiding to our Monarch's heart that which, with respect to the condition of our country, fills our hearts with sorrow.

After the sad confusion in the years 1848 to 1850 ten years followed, which we dare not designate as years of peace. After the period of open war came, first of all, a period which for the inhabitants of the Duchies was nearly as oppressive, and in which an orderly and legal state of things was entirely wanting. The people entertain the hope that that sad state of things will undergo a change, in so far as it had reference to the constitutional changes that had, in the meantime, become necessary in the Monarchy.

The Royal Patent of January 28, 1852, reduces that hope to the smallest possible limits; and not even that was conceded which the Duchies, after that Patent and the foregoing negotiations, might have expected. We take the

liberty of most humbly setting forth some of the points that have come under consideration:—

1. By the Royal Patent of the 28th of January, 1852, it was promised to the country that, by the regulation of the affairs of the Monarchy, under the retention and further development of the arrangements of the Monarchy, which either comprise the whole of the different portions, or which are formed for the separate parts of the same, should be made in such a spirit as should maintain and improve the justly existing relations.

That spirit has unfortunately been wanting in the Government measures from 1852 till this present time. We regret deeply to be obliged to declare that the tendencies of the Legislature and the Government during that period have evidently been to subvert the existing arrangements and relations without regard to the interests of the Duchy, the views of its Representatives, and the wishes of the country itself, with the object of introducing Danish institutions, Danish Government and coin, Danish language, and even Danish names of towns in place of those hitherto existing.

2. The Royal Patent of January 28, 1852, promises to give to the Schleswig States, in a Constitutional manner, such a development that the Duchy of Schleswig should receive, with regard to the affairs appertaining to the sphere of action of its hitherto consultative States, a Representation with a power of decision. This promise is perfectly clear. The previous legislative sphere of action of the States (section 4 in the Law of May 28, 1831) embraces all general laws which have for their object rights over person and property, taxes and public burdens. In a no less degree was there vouchsafed by the promises given in the years 1851 and 1852, that a union of the provinces into a "Heelstat" should only take place after previous consultation with the States of Schleswig. This promise, unless it is to remain meaningless, cannot be understood otherwise than in this sense, that no organization appertaining thereto should take place without the consent of the Schleswig States. These promises have in no way been fulfilled.

Against the wishes of the Representation of the country there was published on February 15, 1854, a special Constitution for the Duchy of Schleswig, the most important paragraphs of which, viz., 1 to 4, were not, after all, laid before the States for consideration. In the examination of the draft for this Constitution by a proceeding unusual, but not perhaps unintentional, there was not given to the States an occasion to vote concerning the acceptance or rejection of it as a whole. Not even for the yearly adjustment of the special Schleswig Budget was any co-operation allowed to the States. The lesser sphere of action which still existed was in the next year still further confined by the Patent of November 10, 1855, published without any consultation with the States. After that, by section 2 of the Constitutional Law of February 15, 1854, which was not laid before the States, and which is in contradiction to the Royal Patent of January 28, 1852, the revenues of the domains situated in the Duchy of Schleswig are most unjustly diverted from the country. There is further withdrawn from the States in an unconstitutional manner by the Patent of November 10, 1855, all co-operation in the legislation and administration of the domains. Likewise the Ordinance of October 2, 1855, by which the common affairs of the Monarchy ought to be regulated, was not calculated to give to the Duchy of Schleswig the independent and equal position with regard to the other parts of the Monarchy, upon which, after the assurances from 1851 to 1852, it had a just demand.

Apart from the formal defects of the Ordinance, the interests of the Duchy are so little maintained by it that the Representatives cannot, even if the Representatives of the Duchies of Holstein and Lauenburg united their votes to theirs, in the face of the Danish majority, obtain any favourable result for the Duchy of Schleswig.

It will doubtless be known to your Majesty that one of the most influential members of the "Rigsdag" has, in a public meeting, recommended the Ordinance of October 2, 1855, with the remark that this Ordinance was such as justly to secure to the Danish majority a preponderance in the "Rigsraad." In this spirit the whole Constitution has been drawn up, both as regards the common and special affairs.

3. Furthermore, the Royal Patent of January 28, 1852, promises the Danish and German nationalities in the Duchy of Schleswig perfect equality and powerful protection.

Most gracious King! Words fail us to express our feelings which arise at the thought of in how great a degree the reverse of these promises has actually taken place. We know well, and your Majesty has repeatedly expressed, that it was indifferent to you whether your subjects spoke German or Danish; that it was quite the same to your Majesty what language they used if they were only faithful subjects. But the former Ministers have certainly prevented your Majesty's promises and views from being carried out or of being of service to the country. Instead of the promised equality of both languages, there has been a violent and unmitigated suppression of the German language. By an Annex to the Constitution for the Duchy of Schleswig of February 15, 1854, in the Deanery of Schleswig in twenty-six parishes, in the town of Tonder, and in ten parishes in its Deanery, in four parishes belonging to Husum and Bredsted Deanery, and in nine parishes in Gottorp Deanery, the language of the schools, which for centuries has been exclusively German, has been violently, and in opposition to the wishes of the inhabitants, superseded, so that, in all these parishes, only four times a week is instruction compulsory in the German language, but even this is not done. In the greatest part of these parishes the German language is exclusively the language of the people, and in all the remaining parishes it prevails, and instruction is therefore given, in most of these parishes, to the children in what is to them a foreign language. It is sought by all possible means to prevent the children in these parishes being instructed by German tutors, and it is unconditionally forbidden that two or more families together should maintain such a tutor. When it cannot be prevented that under such circumstances many children of the so-called Mixed districts, *i.e.*, of all the before-mentioned districts, are placed at their parents' expense in those school districts where the language of the schools is German, one has it still in one's power to frustrate this last attempt of the parents to educate their children in their mother tongue by the fact that the children are obliged to return to their parents to be instructed in the Danish language in the last year before their confirmation, which is held in this language. By such a course of education in a language which for the children is a foreign one, it is a necessary consequence that, with few exceptions, the children grow up without discipline, and in the schools of the country towns, besides the compulsory writing and arithmetic, they only learn Danish reading and a few Danish phrases by heart. By the same regulation the religious services in the above-named parishes are to be held alternately in Danish and in German, although in most of the parishes scarcely any of the inhabitants understand a Danish sermon, but all understand well a German sermon.

It is a notorious fact, therefore, that on the Sundays when a Danish sermon is preached the church is almost always empty. Here is an instance of a grievous oppression of a whole population as to the use of the native German language, and as to attendance at church and school, being in direct contradiction to the promises given in the Supreme Patent of January 28, 1852. The repeated entreaties in every Assembly of the Schleswig States for the re-introduction of the German language, where it is the language of the people, have hitherto been without effect.

In order to remove all opposition to the banishment of the German language, notwithstanding the petitions made by the Schleswig States on the 21st of February, 1857, against such an attack on the rights of patronage, they were not ashamed in August 1857, without further notice, to withdraw the rights of patronage over church and school, guaranteed in section 3 to the landowners in the town and parish of Gjetting. A protest which prelates and persons of the Equestrian Order presented to your Majesty on the 7th of July, 1858, against this arbitrary regulation, so injurious to the landed rights, was returned by both Ministers unopened, whereby it was shown that they did not think that there was any reason to lay this representation before your Majesty, because the prelates and persons of the Equestrian Order were not entitled to represent the rights of patronage attached to the property of the nobles.

The former Ministers have thus closed to your Majesty's subjects the approach to the Throne. The landowners in that part of the first district of Angle, where the language, by an Ordinance of 1851, has been a mixed language, have been obliged for many years, by a Ministerial Decree, to answer in the Danish language all communications drawn up and addressed to them by clergymen, church visitors, and other authorities in that language; and the strict

observance of this Decree, which is so much at variance with an equality of the rights of the nationalities, and which cannot be derived from the Constitution of Schleswig, is sometimes enforced by a heavy fine. It has almost the appearance as if one wished to spread the false belief that the whole Duchy of Schleswig, from its language, is already Danish, when the language of business, still in the southern parts of Schleswig, has lately begun to be Danish, and most of the towns have been obliged to change their names, which are still retained in the Constitution of February 15, 1854. The Schleswig Ministry has, by letters dated June 2, 1856, and July 16, 1858, sent to the authorities in Middle Schleswig, a printed list of a great number of towns of which the former German name are in part so changed for Danish, that one cannot discern what towns are really designated, and at the same time, they ordered the authorities to use these designations in their despatches. The same designations are found in an ordnance map of the Duchy of Schleswig which has been published, whereas another map of the Duchy of Schleswig (offered for sale), which was advertised, was suppressed by a Decree of 1858, before it came out.

We take the liberty, with reference to the above, to point to the true picture as regards the matter of the language in Schleswig which is found in the Report of the Holstein States of March 11, 1859, concerning the affairs of the Constitution. The most hostile and cunning craftiness could not have discovered a more efficacious means of arousing throughout the country, down to the humblest cottage, an estrangement from and unfavourable opinion of the Danish name and the Danish language than the fruitless and objectless suppression of the German language, which cannot be defended before God or man ; a suppression which (one can hardly credit it) has even lately been carried so far that the physicians of the lunatic asylum in Schleswig are forced, with regard to the patients from the so-called Mixed districts, and from the districts where Danish is spoken, to make use of the Danish language in corresponding with the authorities of those places and in their official reports, and in conducting the medical journal, although this institution is common to both Duchies, and is classed under a collegiate administration, consisting of the Minister for Holstein and the Minister for Schleswig ; and it is to be feared that the present excellent German physicians will be removed. Nevertheless, this regulation is in entire unison with the former regulations which have been published for the Medical Department of the Duchy of Schleswig, and which show that not only the church and the school, but the medical department is used with a political view.

The appointment of new district medical officers is placed in the hands of the Medical Inspector, an entirely new institution, which hitherto has been chiefly remarkable for making the country Danish.

It is furthermore in contradiction with the provincial equality of rights of both nationalities, and with the existing laws, that the administration of the Duchy of Schleswig, the civil as well as the religious, is almost exclusively confided to employés and clergymen who, for the most part, are not born in the Duchy of Schleswig, but in the Kingdom ; and that natives of the Duchy, especially when they have studied at the University of Kiel, are, for the most part, excluded from appointments. And it is generally the case that a great number of these employés and clergymen, who frequently do not know or take any notice of local arrangements and communal ones, and who treat everything which they find differing from the institutions of the Kingdom as a misapplication which, without any further notice, should be done away with, are not, in accordance with the requirements of the law, qualified for appointments in the Duchy of Schleswig, because they have not studied at the University of Kiel for the period of two years prescribed for employés by the Decrees of February 1, 1768, and September 21, 1774. It is at variance with the equality of the nationalities that the time for leaving the classical schools in the Duchy of Schleswig has been so changed latterly that it no longer coincides as formerly with the commencement of the lectures in Kiel, but of those in Copenhagen.

And what is the state of the case as regards German in these classical schools ? Hardly any of the masters know German thoroughly. A proof of this is to be found in the German book published under the patronage of the Schleswig Minister, by M. Lorenzen, an under master, who gives lessons in that language in the Cathedral school in the town of Schleswig, which is the only classical school in the country with a pure German language of education.

4. The 6th of December, 1851, your Majesty's Government declared that

they would in no way interfere in the maintenance of those unions which are naturally formed from a similarity of the property held or of the professions engaged in by the inhabitants, because they contain in themselves conditions of a social and commercial intercourse. Your Majesty will easily understand that by a similar legislation for both the Duchies, as well as for the other parts of the Monarchy, all possible furtherance and development would be secured. In the same manner it would be guaranteed to the Equestrian Order of both Duchies that the "nexus socialis" should remain. We doubt much whether some of the former Ministers for the Duchy of Schleswig will be in a position to prove that they have acted in accordance with your Majesty's gracious views. In direct contradiction with them a number of harmless Societies, the tendencies of which are anything but political, but partly bear a religious, artistic, scientific, or agricultural character, and all having had the honour of being patronized and supported by your Majesty, have been abolished and prohibited in the Duchy of Schleswig, while they continue to exist in Holstein.

Among other things we are specially reminded of the Proclamation of the 23rd April, 1853, which, as regards Schleswig, prohibited the Bible Society of the Duchies of Schleswig and Holstein, approved by Royal Resolution of the 17th November, 1815; further, the Ministerial Order of the 12th April, 1853, which most stringently forbade all subjects in the Duchy of Schleswig to become members of an Assurance Association against the disease of the lungs in horned cattle, established for both Duchies. It corresponds with such acts that the inhabitants of Hütten county were prohibited, under threat of punishment, from taking part in an exhibition of animals (cattle show) which took place in the county of Rendsburg during the summer of 1859, as set forth in the Report of the Holstein States of the 11th March, 1859, on the question of a constitution. We are, in like manner, reminded of the Association for the Advancement of Garden Culture; of the Art Union, the members of which are headed by your Majesty since 1857, and which forms a part of the University of Kiel, consequently a common institution for both Duchies; further, of the Society of National History, of which the late King Frederick VI became the patron in 1833; of the Society of Antiquaries, to which your Majesty has afforded contributions, which Societies both form part of the University of Kiel. These latter Societies are abolished and prohibited, as regards Schleswig, by a Ministerial Order of the 23rd December, 1858, and, independent of this, the former Ministry have, without further consideration, established the maxim that, in the Duchy of Schleswig, no Unions or Societies should be tolerated if their tendency were to unite the inhabitants of the Duchy of Schleswig with Holstein in common action with any special object in view, except those guaranteed to them by the Royal Patent of the 28th January, 1852. By these exceptions are consequently only meant the University of Kiel, the Equestrian Order ("Ritterschaft"), the Canal, the Fire Assurance Society, the Prisons, the Deaf and Dumb and the Lunatic Asylums, whereby the Ministry appear entirely to ignore that the Art Union, the Historical and Antiquarian Societies, specially form adjuncts to the University of Kiel.

It would be superfluous further to explain that the maxim established by a former Ministry, fully carried out, must lead to results entirely contrary to common sense. Your Majesty's justice and wisdom will not sanction the suppression of Societies in one portion of the country, as has occurred, though protection has specially been promised them, and your Majesty continues, moreover, to afford them your Royal countenance.

The mode of acting of the former Ministry, with reference to Societies, deserves to be judged in the same way as the prohibition, renewed in December 1858, of entry and sale in the Duchy of Schleswig of the almanac published at the office of the "Altona Mercury," the contents of which are most harmless and almost indispensable for many on account of the legal sessions. This publication, strange to say, is in said Ministerial Order specially referred to as the "Royal privileged and generally useful almanac," and is, at the same time, permitted freely to circulate in the Duchies of Holstein and Lauenburg and in the Kingdom.

The same may be said respecting the numerous prohibitions of books and maps in the Duchy of Schleswig, the circulation of which is neither prohibited in the two other Duchies or in the Kingdom; a circumstance which obliges every inhabitant of Schleswig, if he will be sure not knowingly to transgress the law or

make himself liable to annoyance, to obtain a list of the prohibited publications, which annually increases in extent.

In a like spirit the press is supported and used only to advance the Danish Propaganda, for which purpose it receives considerable pecuniary assistance from the special revenue of Schleswig. It can scarcely be said that a right of petitioning exists; the privilege of holding free meetings and forming societies does not exist at all.

It has been said that the Equestrian Order ("Ritterschaft") of the Duchies has been secured by the continuance of the "nexus socialis." This "nexus" has been violated in different ways, more especially by the fact that the privileged judicial position of this Order in Schleswig has to a certain extent quietly been set aside by section 8 of the Patent of the 6th of February, 1854, respecting the establishment of a Court of Appeal based on a regulation issued on the 18th of September, 1850, during the war by the then Government Commissioner Extraordinary. In like manner the said "nexus" has been violated by the fact that the privilege of the Order to have the elections of District Deputies for the privileged estates in both Duchies, managed by the Committee of the Equestrian Order, the permanent deputation, a privilege possessed from time immemorial and regulated by the Royal Decree of the 6th of October, 1838, has, as regards Schleswig, been changed in such manner that this management has been transferred to the District Depnty vacating his seat.

Thus, as regards the Duchy of Schleswig, a state of affairs has been brought about, the pressure of which has become perfectly intolerable. We humbly pray that your Majesty will be graciously pleased early to remedy this evil.

The Assembly of States has considered it its duty most humbly to lay before your Majesty this plain and truthful picture of the condition of the country, because it cannot believe but that your Majesty has received from earlier Ministers an untrue and erroneous representation of the actual state of affairs. The States are of opinion that they can only fulfil their duty as your Majesty's faithful subjects, and as Representatives for the Duchy of Schleswig, by expressing their firm conviction that a complete change in the course adopted by former Ministers can alone lead to peace and the welfare of the Monarchy.

The idea must be relinquished that the Danish language is political a person, whose jurisdiction must be increased by conquest. A language is made for man, but on the contrary man was not created for a language. As long as a church and school are abused by being employed in the propaganda of the language; as long the population are not permitted to use their own language when and where they please, more especially in the education of their children, so long the State is placed in direct opposition to the most important requirements of Christianity and civilisation, and is deprived of the very first attributes for a free national existence. As long as the purport of all acts of legislation and administration is but to establish a closer union of Schleswig with Denmark, and its more complete separation from Holstein, it cannot be said that the wishes and interests of Schleswig are taken into consideration.

Gracious King! The Schleswig States have, on the occasion of their present meeting, felt in conscience bound to express to your Majesty their grievances and prayers with equal confidence and freedom, because since last session steps have been taken by your Majesty's Government by which the independence of the Duchy represented by them, and its equal rights with the other portions of the Monarchy, are more than ever seriously threatened. By the Patents of November 6, 1858, your Majesty's Government have, as regards Holstein and Lauenburg, repealed sections 1 and 6 of the Special Constitution for Holstein of June 11, 1854, as well as the Patent of October 2, 1855, respecting the common affairs of the Monarchy; but they have also declared that the last-mentioned law was to remain in full force in the kingdom and in the Duchy of Schleswig. As the promises made in the years 1851 and 1852 had not a one-sided reference to the Duchy of Holstein, but, as is made evident by the Royal Patent of January 28, 1852, are also in every respect applicable to the Duchy of Schleswig, it follows that we, as Representatives for this country, express the conviction that also the paragraphs 1 and 4 in the Special Constitution of February 15, 1854, which have not previously been laid before the Assembly of States of Schleswig for discussion, can no longer remain in force.

If that be denied to the Duchy of Schleswig which is granted to the Duchy of Holstein, then this fact would openly prove that your Majesty's Government do not afford equal rights to countries entitled thereto.

From the same reason the Assembly of States feels justified in pronouncing it as a natural consequence, that the Ordinance of October 2, 1855, for the Duchy, represented by the Assembly, can no longer remain in force after its repeal by the aforesaid Duchies of Holstein and Lauenburg.

The Ordinance of October 2, 1855, should, in conformity with its entire purport, be applicable to the various portions of the Monarchy as a whole, but not to the one or the other part thereof. The Council of State (Rigsraad) should, as an organ for the entire Monarchy, represent it as a whole; but the Danish members should not represent the kingdom only, as little as those of Schleswig should represent that Duchy exclusively.

But so much appears certain; that the Ordinance, when no longer in force as regards the entire Monarchy ("Heelstaten") can as little be valid for the separate portions thereof. If a common Constitution were to unite Denmark with Schleswig, then a new law would be required, but such an one could not legally be enacted without the co-operation of the Assembly of the States of Schleswig. The Assembly of States must consequently, in accordance with its conviction, join in the Protest already made by two members of the Schleswig Assembly during the last Session of the Council of State (Rigsraad), against the legal validity of the Ordinance of October 2, 1855. That this protest was only made in the Council of State (Rigsraad) by two Schleswig members was the result of the circumstance that the greatest portion of the German population of the Duchy of Schleswig had not taken part in the election to the Council of State, as little as in the curious regulations of the election law. In consequence of these two circumstances the German population of the Duchy of Schleswig were at last only represented in the Council of State (Rigsraad) by two Councillors of State, though the German nationality in the Duchy of Schleswig forms the decided majority. The Assembly of States has already called your Majesty's attention to the fact that, by the Ordinance of October 2, 1855, the interests of the Duchy of Schleswig, in the face of the majority of the kingdom, were not sufficiently protected, even when this Ordinance was valid for all portions of the Monarchy, and when the votes of Holstein and Lauenburg could be joined to those of Schleswig.

Since the repeal of the Ordinance as regards Holstein and Lauenburg, this will be still less the case, as the Schleswig Representatives in the Council of State ("Rigsraad") will be unable to carry any measure in the face of the disproportionate majority of the kingdom. Thus, by the Patent of November 6, 1858, respecting the repeal of the Ordinance of October 2, 1855, for Holstein and Lauenburg, the Duchy of Schleswig has been placed in a still worse position. The States consider this position so threatening that they can only discover in the aforesaid Patent an act towards the formal and the *de facto* incorporation of the Duchy of Schleswig with the Kingdom of Denmark. In the years 1851-52 your Majesty has said and promised that neither such an incorporation should take place, or any steps having such an object in view be taken. The States feel confident that your Majesty will not now recall the Royal promise, and allow that Schleswig, politically made a minor, be exclusively subjected to the will of the Danish parties.

Gracious King! It is well known to the States that on the other side of the King's Rivulet ("Kongeaan"), the assertion has been made that an amalgamation of Schleswig with the kingdom would be favourable to the interests of the latter. This assertion is erroneous. The States could with much greater justice plead that the stability of the Danish Monarchy has existed in undisturbed peace for centuries, not alone without the proposed amalgamation of Schleswig with Denmark, but, on the contrary, more as the result of the union between the Duchies of Schleswig and Holstein. This union, indispensable to the welfare and contentment of the Duchy of Schleswig, which has been protected and supported by your Majesty's Royal forefathers during 400 years, and the continuance of which is promised by the Patent of the 28th of January, 1848, has neither injured your Majesty's Royal prerogatives, or the true interests of the Danish people. As this union was then guaranteed and secured in accordance with the free-will of the Duchies and an understanding with the Sovereign, elected by them on that condition, in a like manner it cannot be changed and repealed by a one-sided act, but only with the consent of the Sovereign and of both the Duchies. The Representatives of the Duchy of Schleswig have never given their consent to such a change, and will never unanimously do so; this we desire loudly to proclaim to the whole world. For centuries the Duchies were united in fellowship to the great blessing of both, which as the Royal Minister

to the Confederation on the 17th of September, 1846, very properly stated to consist in, "that both Duchies, with the exception of the position of Holstein as a Federal State, and of the Separate Assembly of States by the side of the social *nexus* of the Schleswig-Holstein Order of Knighthood ("Ridderskab"), have all public judicial relations in common, by similar common legislation and administration, in so far as the Constitutional peculiarities in each of the two Duchies do not make an exception (such as are provided for by section 4 of the common law)."

The peace of the Monarchy, on the contrary, would be, and is, especially shaken by the fact, that for a number of years, a party in the Kingdom has laboured for the incorporation of Schleswig as a measure for the accomplishment of which every means is energetically used. But how little such an undertaking leads to the welfare of the Monarchy has been proved by the last ten years, which instead of a conciliation between the stubborn national and political elements, have produced but an increasing bitterness and the deepest internal dismemberment of all public relations.

While the States of the Duchy of Schleswig feel bound by the present solemnly to protest—

1. Against the Ordinance of 2nd October, 1855, continuing in force for Denmark and Schleswig, as well as against the legality of the Resolution of the Council of State (Rigsraad) during its last Session, as far as the Duchy of Schleswig is concerned.

2. Against the legality of sections 1 to 4 of the Special Constitution for Schleswig, on which the States have not been consulted.

3. Against the legality of the Royal Patent of 10th November, 1855, by which the sphere of action of the States has unconstitutionally been curtailed.

4. Against every decision respecting the position of the Duchy of Schleswig to the other portions of the Monarchy under your Majesty's sceptre, taken without previous declaration on the part of the Schleswig States. And

5. Against all steps hitherto taken or to be taken in future, having for their object a severing of the relations which unite the Duchies of Schleswig and Holstein.

We pray your Majesty graciously to receive the present Address only as an expression of our faithful and loyal sentiments. We hope, with confidence, that by your Royal wisdom your Majesty may succeed in discovering a proper means to bring to an end the painful state in which the affairs of the country are at present, and which destroys the most important and most sacred interests of the Duchy of Schleswig.

In conclusion, we beg to express to your Majesty the firm conviction that the peace, quiet, and welfare of the Monarchy can only be secured, if with a view of finally settling the political relations of the Duchy of Schleswig to the other portions of the Monarchy, proposals suitable to the times, and based on the ancient privileges of the country, be communicated to the States, and if, until the definite settlement of their relations, not even laws with reference to common affairs be issued without the sanction of the States of Schleswig.

*Flensburg, January* 1860.

(Signed) H. RUMOHR.
(And 25 others.)

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No. 2.

*Sir A. Malet to Lord J. Russell.—(Received February* 23.)

(Extract.) *Frankfort, February* 20, 1860.

THE Diet not having held any sitting on Thursday last met on Saturday the 18th, and I have learnt that the Report of the joint Committees, relating to the question of the Danish Duchies, was laid before the Assembly.

The Report is, as I am informed, of a nature not to be acceptable to the Danish Government, and M. de Bülow entered a protest on the Protocol, chiefly on the ground that its conclusions affected those portions of the Danish Monarchy not included in the Germanic Confederation.

The first point touched upon by the Report is the state of things established in the Duchies of Holstein and Lauenburg in consequence of the

decision of the Diet of the 11th of February, 1858, and which was notified to the Diet by M. de Bülow on the 2nd November, 1859.

In reference to the provisional state of things then established the Report recommended, firstly, that the Diet should declare that its requirements are not satisfied, and should give the Danish Government to understand that the menace of Execution still subsists, and would continue to impend, until the Duchies, by the organ of their Provincial States, declare themselves satisfied by the re-establishment of their relations to the Crown in harmony with the Constitutional provisions of 1851-52.

Secondly. The Report recommends that in the general affairs of the Monarchy the Provincial States of Holstein and Lauenburg should have the right of assent or dissent, not on financial points alone, but on all matters of general policy, and also of deliberating on any such matters in common with the other divisions of the Monarchy.

Thirdly. The Committee ask the Diet's authorization for taking such steps as may seem advisable to them for ascertaining whether these decisions of the Diet (presuming them to be voted) are properly carried out, and to report further thereon.

The protest of the Danish Envoy reminds the Diet of the abolition of the Danish Constitution in the Duchies, in accordance with the Diet's demands of February 11, 1858, and of the perspective which exists under the "Provisorium," of an understanding being arrived at between the Crown and the Duchies by free negotiations.

His Excellency further intimated, that if the Diet adopts this Report, such understanding will be rendered impracticable.

With reference to the second point, his Excellency protests against the Diet's intervention in prescribing a mode of deliberation for portions of the Monarchy which are not under Federal jurisdiction, and reserves all the sovereign rights of his own Government.

The vote of the Diet on the Report will be taken on the 8th of March.

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No. 3.

*Mr. Howard to Lord J. Russell.*—(*Received February* 27.)

My Lord, *Hanover, February* 24, 1860.

I TOOK an opportunity while at Oldenburg of urging upon M. de Rössing, the Minister for Foreign Affairs, the expediency of the German Powers using moderation in their treatment of the Holstein question, and abstaining from all extreme measures against Denmark, so as to avoid further European complications, or the intervention of foreign Powers.

His Excellency replied that the Grand Duke being a Holstein Prince, and feeling strongly on the subject, I must be prepared to find Oldenburg favourable to a decisive course of action on the part of the Diet in respect to the rights of the German Duchies; but that the Oldenburg Government had not, nevertheless, associated themselves to the proposals of the Hanoverian Government which went further than those made by Prussia, and already, as I would be aware, adopted by the Diet. No foreign Power, his Excellency observed, would have a pretext for interference as long as the intervention of Germany was confined to the German Duchies, and not extended to Schleswig.

I have, &c.

(Signed) HENRY F. HOWARD.

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No. 4.

*Sir A. Malet to Lord J. Russell.*—(*Received February* 28.)

(Extract.) *Frankfort, February* 25, 1860.

WITH reference to my despatch of the 20th instant, I beg to inclose a translation of the Report presented to the Diet on the 18th instant, relating to the question of the Duchies.

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## Inclosure in No. 4.

*Extract from the "Journal de Francfort."*

*Francfort, le* 19 *Février*, 1860.

ON écrit à "l'Indépendance Belge" :—

"Dans sa séance d'hier, la Diète Germanique s'est occupée de l'affaire des Duchés de Holstein-Lauenburg et de la publication des Protocoles des séances. Voici le résultat de cette délibération d'après le Protocole officiel.

"Dans l'affaire des Duchés, les 'Comités réunis' ont proposé à la haute Diéte:

"1. D'annoncer, par la voie de l'Ambasssadeur Royal Danois pour les Duchés, au Gouvernement Royal, que la Diète—

"(*a.*) Trouve que le Gouvernement Danois, par ses derniers actes vis-à-vis des Duchés de Holstein-Lauenbourg, principalement par les propositions faites aux Etats des dits Duchés, et par le rejet pur et simple des propositions des Etats, a manqué aux obligations que la Résolution de la Diète du 11 Février, 1858, § 2, litt. *a* et *b*, a imposées au Gouvernement Danois, et que ces obligations doivent être accomplies dans le plus bref délai; mais que pourtant la Diète—

"(*b.*) Par égard pour les explications du Gouvernement Royal données dans la note de l'Ambassadeur Royal du 2 Novembre, 1859, ajournera encore l'exécution sommaire résolue le 12 Août, 1858.

"La Diète joint à cette déclaration—

"(*c.*) La condition que, jusqu'à ce que l'état légal constitutionnel soit définitivement établi, comme il a été promis en 1851 et 1852—

"(1.) La Déclaration Royale du 28 Janvier, 1858, soit strictement maintenue dans toutes les affaires qui concerneront les intérêts généraux et spéciaux des Duchés; que

"(2.) Pour le maintien du droit de ces provinces appartenant à la Confédération, toutes les propositions de lois qui seront soumises au Conseil Suprême Danois, soient en même temps soumises aux Etats, et qu'aucune loi, principalement en matière de finances, ne soit promulguée dans les Duchés, tant qu'elle n'aura pas reçu l'assentiment des Etats, la Diète ne reconnaissant aucune valeur légale à des Ordonnances rendues en contradiction avec cette règle.

"2. Quant à la déclaration du Gouvernement Royal de vouloir convoquer une Assemblée de Délégués pour la consulter sur une constitution générale et définitive, la Diète n'y trouve rien à opposer sous la condition que—

"(*a.*) Ces délégués soient envoyés par les représentations légales spéciales de toutes les parties du royaume, et qu'ils délibèrent sur la base fournie par les déclarations de 1851 et 1852;

"(*b.*) Que ces délibérations aient lieu le plus tôt possible pour amener enfin un état légal dans les Duchés; et que

"(*c.*) Les délibérations de ces délégués ne portent aucun préjudice aux droits des Etats des Duchés.

"Toutes ces propositions seront sans doute acceptées. Le vote aura lieu le 8 ou le 12 Mars."

(Translation.)

*Frankfort, February* 19, 1861.

THE following letter appears in the "Indépendance Belge:"—

"In its sitting of yesterday the Germanic Diet occupied itself with the affair of the Duchies of Holstein-Lauenburg, and with the publication of the Protocols of the sittings. The following is the result of this deliberation according to the official Protocol.

"In the affair of the Duchies, the United Committees ('Comités Réunis') proposed to the High Diet ('Haute Diète'):

"1. To announce, by means of the Royal Danish Ambassador for the Duchies to the Royal Government, that the Diet,—

"(*a.*) Is of opinion that the Danish Government, by its last acts towards the Duchies of Holstein-Lauenburg, principally by the proposals made to the States of the said Duchies, and by the pure and simple rejection of the proposals of the States, has not fulfilled the obligations that the Resolution of the Diet of the 11th of February, 1858, § 2, letters *a* and *b*, imposed on the Danish Government, and that these obligations ought to be fulfilled without the shortest delay; but that nevertheless the Diet—

"(*b.*) In consideration of the explanations of the Royal Government given

in the note of the Royal Ambassador of the 2nd November, 1859, will again postpone the summary execution resolved on on the 12th August, 1858.

"The Diet adds to this declaration—

"(*c.*) The condition that till the legal Constitutional state is definitively established, as was promised in 1851 and 1852—

"(1.) The Royal Declaration of 28th January, 1858, shall be strictly fulfilled in all the affairs which concern the general and special interests of the Duchies; that—

"(2.) For the maintenance of the rights of the provinces belonging to the Confederation, all the propositions for laws which may be submitted to the Supreme Danish Council, shall be at the same time submitted to the States, and that no law, especially in matters of finance, shall be promulgated in the Duchies so long as it has not received the assent of the States, the Diet not recognizing any legal value in the Ordinances put forth in contravention of this rule.

"2. As to the declaration of the Royal Government that it is willing to convoke an Assembly of Delegates in order to consult it respecting a general and definitive Constitution, the Diet has nothing to say against it, on condition that—

"(*a.*) These delegates are returned by the legal special constituencies of all parts of the kingdom, and that they deliberate on the basis furnished by the Declarations of 1851 and 1852.

"(*b.*) That these deliberations take place as soon as possible in order to bring about a legal state of things in the Duchies; and that,

"(*c.*) The deliberations of these delegates do not prejudice in any way the rights of the States of the Duchies.

"All these proposals will, without doubt, be accepted. The vote will take place on the 8th or the 12th of March."

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No. 5.

*Sir A. Malet to Lord J. Russell.*—(*Received March* 13.)

(Extract.) *Frankfort, March* 9, 1860.

I HAVE the honour to acquaint your Lordship that the Diet voted yesterday the adoption of the Report of the Committee on the Danish Duchies question adverted to in my despatches of the 20th and 25th of February.

The only vote besides that of M. de Bülow recorded against the adoption was that of the Representative of Luxemburg, Baron Scherf. The Envoy of the Saxon Duchies, M. de Fritsch, gave a separate vote, expressing the wish of the Government of Saxe-Coburg that the affairs of Schleswig should be taken up by the Diet in connexion with those of Holstein.

The Danish Envoy, M. de Bülow, expressed, as I learn, at considerable length, the objections of his Government to conceding all the demands of the Diet, but made the proposal of drawing up a Project of Constitution, which, though demanded by the Diet for the last two years, the Copenhagen Cabinet has hitherto always evaded; without, however, having ever given the demand a decided rejection.

The Diet has now required, in reference to the proposal of the Danish Government, that men of confidence chosen by the Provincial States should enter into deliberation with an equal number of the Council of the Kingdom (Reichsrath), that the proposed men of confidence should not have to sit with the existing members of the Council of State, but with an equal number of persons specially appointed by the Danish Government.

This proposal is, I understand, unacceptable to the Copenhagen Cabinet, but it is hoped the difficulty may be turned by the perspective of the Project of Constitution, or terms of connexion for the Duchies to the Monarchy, which the Danish Envoy has now announced it to be the intention of his Government to elaborate.

I am informed that, at the same time that his Excellency M. de Bülow made this communication, he gave the Assembly to understand that his Government, in assenting to this exigency and to the project being laid before the Diet, did not intend it to be subject to the revision of the Diet, but that it should be looked upon in the nature of an ultimatum.

The mention of Schleswig will have an unpleasant effect at Copenhagen, but as it met with no support in the Diet the incident need not necessarily be noticed.

No. 6.

*Sir A. Malet to Lord J. Russell.*—(*Received March* 13.)

My Lord, *Frankfort, March* 12, 1860.

WITH reference to my despatch of the 20th February, I have the honour to transmit to your Lordship an extract from the "Journal de Francfort," containing a translation of the protest made by the Danish Envoy, on the occasion of the Report of the Committees on the Danish Duchies question being laid before the Diet.

I have, &c.
(Signed) A. MALET.

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Inclosure in No. 6.

*Extract from the "Journal de Francfort."*

*Francfort, le* 10 *Mars,* 1860.

VOICI, d'après la "Gazette de Cassel," la traduction de la protestation faite par l'Envoyé Danois dans la séance du 18 Février dernier de la Diète Germanique à l'occasion des propositions présentées par les Comités réunis sur les affaires constitutionnelles du Duché de Holstein :—

"Comme dans les propositions du Comité qui viennent d'être lues, surtout en les rapprochant des délibérations dont elles ont été précédées, on trouve maintenant encore, après que toutes les dispositions constitutionnelles pour les Duchés de Holstein et de Lauenbourg contre lesquelles la Diète a réclamé par sa résolu- du 11 Février, 1858, ont été suspendues, et qu'on a en partie pris, en partie offert des mesures constitutionnelles préliminaires pour amener un état de choses tenant compte de tous les droits et de tous les intérêts, qu'en outre des garanties correspondant aux constitutions spéciales ont été donneés avec empressement pendant la période de transition, comme on trouve encore dans ses propositions, disons-nous, la voie d'exécution contre Sa Majesté le Roi de Danemark mise en perspective, et qu'on y réclame en même temps pour les Etats du Holstein et du Lauenbourg, pendant ce provisoire comme aussi pour la décision éventuelle de toutes les questions constitutionnelles, une faculté délibérative très étendue et dépassant leur précédente compétence, l'Envoyé Royal, en se référant à ses déclarations antérieures, doit d'autant plus se borner pour le moment à une protestation provisoire, que son Gouvernement croit devoir conserver l'espérance que la Haute Diète Germanique ne voudra pas lui rendre impossible la voie qui, d'après la conviction du Gouvernement Royal, est la plus pratique pour amener une entente définitive sur la base de la Résolution Fédérale du 29 Juillet, 1852.

"Si, en outre, la compétence Fédérale devait être réclamée à l'égard de la représentation éventuelle qui serait accordée aux parties de la Monarchie n'appartenant pas à la Confédération Germanique dans les délibérations de délégués sur une constitution commune, l'Envoyé ne peut s'empêcher de protester maintenant éjà, au moment où les propositions sont présentées et au nom de son auguste ouverain, contre une telle réclamation.

"Il doit en même temps réserver à son Gouvernement tous ses droits ainsi que les déclarations et explications qu'il pourrait juger ultérieurement nécessaires."

(Translation.)

*Frankfort, March* 10, 1860.

THE following, according to the "Gazette de Cassel," is the translation of the protest made by the Danish Envoy in the sitting of the Germanic Diet of the 18th February last, on the occasion of the presentation by the United Committees of the proposals respecting the constitutional affairs of the Duchy of Holstein:—

"As in the proposals of the Committee which have just been read, especially when they are compared with the deliberations by which they were preceded, it is now again found, after all the Constitutional arrangements for the Duchies of Holstein and Lauenburg to which the Diet objected by its Resolution of the 11th February, 1858, have been suspended, and preliminary Constitutional

measures have been partly taken and partly offered to bring about a state of things which takes into account all rights and all interests, and as, besides, guarantees corresponding to the special constitutions have been readily given during the period of transition, as, moreover, the mode of execution against His Majesty the King of Denmark is, we say, put forward in its proposals, and a very extended deliberative power, and one exceeding their former competency is, at the same time, claimed for the States of Holstein and Lauenburg, during this provisionary arrangement, as well as for the eventual decision of all constitutional questions: the Royal Envoy, while referring to his former declarations, must confine himself for the moment to a provisional protest, the more so as his Government believes it may still hope that the High Germanic Diet will not make it impossible for them to adopt the course which is, according to the conviction of the Royal Government, the most practicable for bringing about a definitive understanding on the basis of the Federal Resolution of July 29, 1852.

"If, besides, the Federal authority is to be invoked with regard to the eventual representation which should be granted to the parts of the Monarchy not belonging to the Germanic Confederation in the deliberations of delegates respecting a common Constitution, the Envoy cannot refrain from now already protesting, at the moment when the proposals are presented, and in the name of his august Sovereign, against such a claim.

"He must, at the same time, reserve to his Government all its rights as well well as the declarations and explanations which it may ultimately judge to be necessary."

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No. 7.

*Sir A. Malet to Lord J. Russell.*—(*Received March* 17.)

My Lord, *Frankfort, March* 14, 1860.

WITH reference to my despatch of the 9th instant, I have the honour to inclose a translation of the Resolutions adopted by the Diet in the sitting of the 18th February in the question of the Danish Duchies.

I have, &c.

(Signed) A. MALET.

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Inclosure in No. 7.

*Extract from the "Journal de Francfort" of March* 9, 1860.

L'ASSEMBLEE a procédé au vote sur les propositions présentées dans la séance du 18 Février par les Comités réunis sur les affaires Constitutionnelles des Duchés de Holstein et Lauenbourg, et les a adoptées, sur quoi l'Envoyé Royal Danois pour ces Duchés a fait insérer au Protocole une déclaration et protestation.

La Diète Germanique a en conséquence résolu:—

1. De faire savoir au Gouvernement Royal de Danemark, par l'intermédiaire de son Envoyé pour les Duchés de Holstein et de Lauenbourg, et, tout en se référant aux explications contenues dans le Rapport du Comité respectif, inséré au Protocole de la 6e séance de la Diète du 18 Février (s. 58), que l'Assemblée Fédérale—

(*a.*) Ne trouve toujours pas que le Gouvernement Royal, par les mesures qu'il a prises jusqu'ici, en particulier par les propositions soumises à l'Assemblée des Etats Holsteinois et par le rejet pur et simple de celles de ces Etats, ait rempli les obligations déterminées par la Résolution Fédérale du 11 Février, 1858, s. 2, lettres *a* et *b*, et qu'elle doit pour cela insister sur leur prompt accomplissement; que toutefois—

(*b.*) Eu égard aux déclarations du Gouvernement Royal contenues dans la note du 2 Novembre, 1859, de son Envoyé pour le Holstein et le Lauenbourg, elle ajournera encore pour le moment l'exécution des mesures conformes aux lois Fédérales et déjà décrétées par la Résolution du 12 Août, 1858, destinées à obtenir la réalisation de la susdite Résolution. Elle y rattache cependant—

(*c.*) La condition que, jusqu'au rétablissement d'un Etat Constitutionnel définitif, répondant aux promesses de 1851 et 1852,

(1.) La teneur de la proclamation Royale du 28 Janvier, 1852, serve exclusivement de règle dans la fixation des objets qui doivent être considérés comme affaires communes ou affaires spéciales ; que,

(2.) Afin de sauvegarder l'égalité de droits des pays Fédéraux Allemands avec les autres parties de la Monarchie pour la durée du provisoire, tous les projets de lois soumis au Conseil du Royaume le soient également aux Etats des Duchés de Holstein et de Lauenbourg, et qu'aucune loi concernant des affaires communes, surtout en matière de finances, ne soit promulguée pour les Duchés tant qu'elle n'aura pas reçu l'assentiment des Etats de ces pays, attendu que la Diète ne saurait considérer comme obligatoires pour les Duchés des ordonnances rendues en contradiction avec cette condition.

2. D'annoncer, en outre, au Gouvernement Royal que la Diète ne s'opposera pas à l'intention de ce Gouvernement de convoquer des Délégues des diverses parties de la Monarchie pour des délibérations sur une Constitution commune définitive, à la condition que,

(*a.*) Conformément au principe des stipulations de 1851 et 1852, ces délibérations aient lieu par des Délégués des représentations légales particulières de toutes les parties du pays ; que

(*b.*) Ces délibérations soient amenées avec la plus grande promptitude possible, afin que cette mesure incidente ne cause pas un retard inutile dans le rétablissement d'un état de choses constitutionnel légal, et que

(*c.*) Cette discussion, cela va sans dire, ne préjudicie en aucune manière aux négociations avec les Etats des Duchés de Holstein et de Lauenbourg.

3. De charger les Comités réunis de faire à la Diète, d'après leur avis et si c'est nécessaire, un rapport ultérieur sur l'exécution de cette résolution.

(Translation.)

THE Assembly proceeded to the vote on the proposals presented during the sitting of the 18th February by the United Committees on the Constitutional Affairs of the Duchies of Holstein and Lauenburg, and adopted them ; upon which the Royal Danish Envoy for the Duchies caused a declaration and protest to be inserted in the Protocol.

The Germanic Diet in consequence resolved—

1. To acquaint the Royal Government of Denmark, by means of its Envoy for the Duchies of Holstein and Lauenburg, while referring to the explanations contained in the Report of the respective Committee, inserted in the Protocol of the 6th sitting of the Diet February 18 (s. 58), that the Federal Assembly—

(*a.*) Is still of opinion that the Royal Government, by the measures which it has hitherto taken, especially by the proposals submitted to the Assembly of the Holstein States, and by the pure and simple rejection of the proposals of these States, has not fulfilled the obligations laid down in the Federal Resolution of the 11th February, 1858, s. 2, letters *a* and *b*, and that it must on that account insist on their prompt acccomplishment ; that, however,

(*b.*) In consideration of the declarations of the Royal Government, contained in the note of its Envoy for Holstein and Lauenburg, the Diet will again postpone for the moment the execution of the measures conformable to the Federal laws, and already decreed by the Resolution of August 12, 1858, which were intended to obtain the realisation of the above-named Resolution. It attaches to this, however,

(*c.*) The condition that, until the re-establishment of a definitive Constitutional state of things, answering to the promises of 1851 and 1852,

(1.) The tenour of the Royal Proclamation of January 28, 1852, shall form the exclusive rule for the settlement of questions which should be considered as common or as special affairs ; that,

(2.) In order to protect the equality of rights of the German Federal Provinces with the other parts of the Monarchy during the provisional arrangement, all the projects of law submitted to the Council of the Kingdom shall be equally submitted to the States of the Duchies of Holstein and Lauenburg, and that no law concerning the common affairs, especially in matters of finance, shall be promulgated for the Duchies, as long as it has not received the assent of the States of those Provinces, seeing that the Diet will be unable to consider as obligatory, on the Duchies, Ordinances passed in contravention of this condition.

2. To announce, besides, to the Royal Government, that the Diet will not

oppose the intention of the Government to convoke Delegates from the different parts of the Monarchy, for the purpose of deliberating on a definitive common Constitution, on condition that,

(*a.*) Conformably to the principle of the stipulations of 1851 and 1852, these deliberations shall be carried on by Delegates of particular legal constituencies of all parts of the country; that

(*b.*) These deliberations shall be brought about with the greatest promptitude possible, in order that this incidental measure may not cause a useless delay in the re-establishment of a legal constitutional state of things; and that,

(*c.*) This discussion, as a matter of course, shall not prejudice in any manner the negotiations with the States of the Duchies of Holstein and Lauenburg.

3. To charge the United Committees to make to the Diet, if in their opinion it be necessary, a further Report on the execution of this Resolution.

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No. 8.

*Mr. Paget to Lord J. Russell.*—(*Received March* 19.)

(Extract.) *Copenhagen, March* 14, 1860.

YOUR Lordship will have learnt from Frankfort that the Report of the Committee on Holstein affairs was voted unanimously, with the exception of Denmark and Holland, on the 8th instant.

The proposal of the Danish Government, in answer to which this Report was drawn up, may, therefore, be considered to have failed; and it now remains to be seen what will be the next step in this unfortunate and complicated business.

From a conversation I had yesterday with M. Hall I believe I am justified in stating that the line which the Danish Government have decided on adopting is to take, for the present at least, no further steps in the matter. They propose to wait till the meeting of the Holstein States towards the latter part of the year, with which, as your Lordship will find indicated in M. de Bülow's observations to the Federal Diet in recording the vote of Denmark against the Report of the Committee, they will enter into direct negotiation; but it is probable they will, in the first instance, submit their plan of arrangement to the Great non-German Powers, in the hope of obtaining their support; and they will also appeal to these Powers in the event of the Confederation showing a disposition to give effect to the Decree of execution which Denmark is reminded in the Report of the Committee is still in force.

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No. 9.

*Mr. Paget to Lord J. Russell.*—(*Received March* 19.)

My Lord, *Copenhagen, March* 14, 1860.

I HAVE the honour to transmit to your Lordship herewith a copy and translation of the communication made by the Danish Representative at Frankfort, by order of his Government, on the occasion of the Report of the Committee on Holstein affairs being submitted to the vote of the Diet.

The proposal of the Danish Government which gave rise to this Report was that with a view of adopting the most practical means for forming a general Constitution for the Monarchy comprising Holstein and Lauenburg, a Commission of Delegates chosen from the Holstein Provincial States and the Rigsraad (General Assembly of the Monarchy) should be appointed, which Commission was to be in communication with the Government and discuss with it the plan to be adopted.

The Report of the Committee of the Diet while admitting the idea of a Mixed Commission insists that instead of its members being selected out of the Rigsraad they should be taken from the different Provincial Assemblies.

The argument of the Danish Government is that the Confederation has no authority to dictate in what manner a Commission which is to discuss the internal arrangements for the Danish Monarchy is to be composed, and that their doing so is an undue interference in a matter appertaining exclusively to the sovereign rights of Denmark. If it is adopted they withdraw their proposal of a Commission altogether, and prefer treating directly with the Holstein States.

With regard to the demand of the Confederation that all new laws respecting the general affairs during the state of transition should, in their application to Holstein, be dependent on their being accepted by the Holstein States, the Danish Government give as a reason for its refusal the practice established in similar cases in different parts of Germany where Provincial States exist; and refer to the Royal Patent issued last year for the regulations to be observed in regard to the financial contributions of the province as a sufficient guarantee for its interests.

I have, &c.

(Signed) A. PAGET.

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Inclosure in No. 9.

*Communication made by the Danish Envoy at the Frankfort Diet, March* 8, 1860.

(Traduction.)

L'ENVOYE est instruit par son Gouvernement à voter en déclarant ce qui suit :

Par la note du 2 Novembre de l'année passée le Gouvernement du Roi a informé la Haute Diète des mesures que dans ses efforts pour créer une Constitution commune embrassant les Duchés de Holstein de Lauenbourg il se proposait de prendre dans un avenir prochain afin de préparer un arrangement définitif des rapports Constitutionnels de la Monarchie. Bien que d'après les différentes phases que cette affaire avait parcourues, il fût jugé nécessaire, pour amener un arrangement définitif, d'entrer dans de nouveaux pourparlers avec les Etats Holsteinois, le Gouvernement du Roi ne pouvait que considérer comme salutaire à l'avancement de cette œuvre de préparer ces nouvelles délibérations par la consultation des Délégués de toutes les parties de la Monarchie, élus partie par l'Etat Holsteinois, partie par le Conseil-Général.

Le Rapport présenté par les Comités dans la sixième séance en accordant aux intentions du Gouvernement du Roi l'appréciation qui leur est due, a pourtant cru devoir proposer à la Haute Diète de ne pas s'opposer au plan que le Gouvernement du Roi lui a communiqué, à moins que les délibérations en question, conformément au principe des transactions du 1851 et 1852, n'aient lieu avec des Délégués des représentations spéciales des différentes parties de la Monarchie.

Autant que le Gouvernement du Roi est disposé de tout temps à accepter le conseil des hauts membres de la Diète relativement à la participation du Duché de Holstein à une délibération purement préparatoire et ne préjugeant en rien les délibérations ultérieures, autant lui est-il impossible de reconnaître un arrêté de la Diète qui en forme d'une condition se prononce sur la manière dont les parties de la Monarchie qui n'appartiennent pas à la Confédération doivent être représentée dans une telle assemblée, et qui en demandant que le "Rigsdag" Danois et les Etats du Slesvig nomme les Délégués porte atteinte aux rapports intérieurs de ces parties de la Monarchie et à l'autonomie de Sa Majesté.

Bien que le Gouvernement du Roi, vis-à-vis de la condition formulée dans No. II, Lit. A, des conclusions du Rapport, ne puisse se considérer comme obligé à abandonner la voie qu'il s'était tracée et qui, d'après sa conviction, aurait abouti, on ne saurait toutefois se cacher l'influence qu'un arrêté pris en conformité de la proposition pourrait exercer sur la possibilité de convoquer l'Assemblée projetée. Il n'est en effet que trop probable que les Etats du Holstein y verraient un motif de refuser de nommer des Délégués, et quel que soit l'illégitimité d'une telle résistance aux yeux du Gouvernement, celui-ci pourtant dans ses efforts pour calmer les esprits préférerait d'abandonner le plan qu'il avait conçu, plutôt que de laisser éclater une collision.

Pour le cas où la Haute Diète se déciderait à adopter la proposition des Comités le Gouvernement du Roi se verrait donc peut-être par des raisons pratiques dans la nécessité d'abandonner la délibération préparatoire qu'on avait eue en vue, et qui par un échange libre et approfondi de désirs et d'idées aurait pu porter des fruits en conciliant et en rapprochant les différents points de vue relativement au meilleur arrangement des affaires communes. Bien qu'empêché ainsi à son grand regret de se servir d'un moyen qui, selon lui, aurait été le plus efficace, le Gouvernement du Roi ne se désisterait pourtant pas de sa tâche de créer une constitution pour les affaires communes. Il se disposerait alors à procéder à des délibérations directes et immédiates avec la nouvelle Assemblée

des Etats du Holstein qui sortira des élections générales prochaines sur un projet d'une nouvelle constitution commune pour la rédaction duquel on aurait désiré se servir de la co-opération de l'Assemblée préparatoire. Tout en déplorant qu'une entente eût été rendue plus difficile par l'adoption de ce point du Rapport, le Gouvernement du Roi se livrerait au ferme espoir qu'on finirait dans le Holstein par comprendre ce qu'exigent les intérêts communs.

Dans cet état de choses il est à prevoir, ce qui est reconnu également dans le Rapport, que même avec la meilleure volonté de tous côtés un temps assez long s'écoulera avant qu'on parvienne à s'entendre définitivement.

C'est pourquoi Sa Majesté par la Patente Royale du 23 Septembre de l'année passée, communiquée à la Haute Diète, a réglé pour le provisoire, en conformité avec le droit historique et avec les égards dûs aux circonstances, les rapports constitutionnels du Holstein relativement aux affaires communes. Non seulement il a été décidé par cette patente que pour ce qui regarde les affaires communes, des lois définitives sur des matières qui avant la publication de l'Ordonnance du 11 Juin, 1854, ont été du ressort des ci-devant Etats Provinciaux consultaifs du Holstein ne pourraient être promulguées pour ce Duché avant que ses Etats aient été consultés, mais la patente contient en outre des nouvelles dispositions, dépassant les limites antérieurement posées par la loi à la compétence des Etats qui offrent sous le rapport financier des garanties en tout point efficaces pour le Duché de Holstein.

Tout en reconnaissant aussi sur ce point la sollicitude du Gouvernement du Roi le Rapport des Comités propose à la Haute Diète de prononcer, que pour la durée du provisoire tous les projets de loi qu'on soumettrait au Conseil-Général, devant aussi être soumis aux Etats du Holstein et du Lauenbourg, et qu'aucune loi sur des affaires communes, nommément sur des questions financières, ne pourra être publié pour les Duchés, à moins que leurs Etats n'y aient donné leur consentement, la Diète se réservant de considérer toute Ordonnance qui contrairement à cette disposition aurait été rendue comme non obligatoire pour les Duchés.

Le Rapport des Comités s'est efforcé de démontrer le fondement légal de la proposition susmentionnée, et il fait ressortir à cet effet non seulement des dispositions des Ordonnances antérieures sur les Etats Provinciaux, d'après lesquelles toutes les affaires de la Monarchie sans aucune restriction tomberaient sous le domaine des Etats, mais aussi la Patente Royale du 28 Janvier, 1852, des expressions de laquelle il résulterait qu'une voix délibérative eût été accordée ou en tout cas promise aux Etats.

En tenant compte des expressions dont se servent à cet égard les Ordonnances sur les Etats Provinciaux, ainsi que de l'interprétation qui dans la pratique leur a été donnée de tout temps non-seulement dans la Monarchie Danoise, mais aussi dans les autres Etats, spécialement dans ceux de l'Allemagne où des institutions analogues des Etats Provinciaux subsistaient, il ne serait pas difficile de prouver que la compétence consultative accordée aux Etats Provinciaux n'a nullement embrassé un domaine si vaste que celui qui d'après des principes constitutionnels revient à une Assemblée Législative, et que nommément, pour ce qui regarde l'emploi des revenus et des moyens publics de l'Etat, aucune co-opération, moins encore une influence décisive, n'a été ni accordée ni exercée de fait par les Etats Provinciaux.

La Patente Royale du 28 Janvier, 1852, ne promet non plus aux Etats Provinciaux une voix délibérative dans toutes les affaires à l'égard desquelles une co-opération consultative, soit de droit, soit de fait, leur avait été attribuée. Au contraire la promesse est expressément appliquée aux seules affaires que d'après le nouvel arrangement établi par l'Ordonnance susmentionnée, les différentes parties de la Monarchie pourraient plus spécialement appeler les siennes, propres ou spéciales, non pas communes (" eigenthümliche oder besondere, also nicht gemeinschaftliche ") (voir l'Annexe I ad Mémoire du 23 Février, 1857, inséré au Protocole de la Diète, p. 734). L'Ordonnance sur la constitution du Duché de Holstein, en date du 11 Juin, 1854 (Ordonnance qui au moins à cet égard n'a été objet d'aucune attaque), n'accorde non plus une plus grande compétence aux Etats, mais certes une telle extension des attributions des Etats aurait été tout-à-fait incompatible avec l'intention avouée dans la Patente Royale du 28 Janvier, 1854 (pour ce qui regarde le Duché de Holstein approuvée par l'arrêté de la Diète du 29 Juillet de la même année), d'établir une constitution commune pour les affaires générales de la Monarchie.

Si donc la demande formulée dans le Rapport des Comités ne peut pas être

basée sur des raisons de droit, ce qui du reste dans le courant de ces négociations on a déjà reconnu (voir, par exemple, le vote du Hanovre dans la séance du 12 Août, 1858, p. 984), elle ne se laisse non plus suffisamment motiver par des considérations tirées de la position qu'occupent pendant le provisoire les autres parties de la Monarchie. Le Rapport des Comités, il est vrai, met ici en avant que le Conseil-Général, en vigueur pour les autres parties de la Monarchie, limite par son action la liberté de la volonté Royale, aussi à l'égard du Duché de Holstein, et que l'état des choses antérieurement subsistant est par là essentiellement modifié ; mais vû les explications et les communications qui ont été présentées à des époques antérieures, le Gouvernement du Roi ne saurait en aucune manière reconnaître que cette appréhension soit fondée.

Le Roi, s'étant décidé à abolir par la Patente du 6 Novembre, 1858, pour les Duchés de Holstein et de Lauenbourg les dispositions constitutionnelles attaquées par la Diète, nommément la constitution du 2 Octobre, 1855, pour ce qui regarde ces mêmes Duchés, est rentré incontestablement pour ces Duchés dans la plénitude de sa souveraineté qu'il exerce par des Ministres exclusivement responsables pour cette partie de la question envers Sa Majesté. En conséquence le Roi a non seulement pendant la dernière session du Conseil-Général pleinement assuré l'indépendance des Duchés de Holstein et de Lauenbourg vis-à-vis des résolutions du Conseil-Général, mais encore par une Patente spéciale a-t-il fixé avant l'ouverture de la session le budget du Duché de Holstein pour le suivant exercice biennal relativement aux affaires communes. Cette pleine souveraineté le Roi persistera à revendiquer vis-à-vis du Conseil Général, et il saura s'en servir librement et sans être détourné par aucune influence quelconque, pour reconnaître et assurer les droits et les intérêts de ses sujets dans les Duchés de Holstein et de Lauenbourg.

Dans ces circonstances, et en présence des garanties considérables qui ont déjà été données, le Gouvernement du Roi ne peut pas se persuader de la nécessité de prendre des dispositions ultérieures pour régler l'état du provisoire. Pour ce qui est spécialement de l'arrangement proposé dans le Rapport des Comités, il faut encore faire valoir l'impossibilité que lui opposerait dans la pratique déjà la base d'organisation convenue de part et d'autre. Il ne serait en effet pas possible sans de nouvelles garanties et des dispositions particulières de faire dépendre la marche et le développement des affaires communes du consentement de deux Assemblées délibérant chacune séparément, d'autant moins que l'une de ces Assemblées est organisée et élue uniquement en vue d'affaires purement provinciales, ce qui ne peut manquer exercer une influence décisive sur sa composition, son autorité, et son action, et que, par consequent, le Gouvernement ne posséderait pas vis-à-vis d'elle toutes les garanties et les moyens d'influence qu'on a considérés comme nécessaires vis-à-vis du Conseil Général bien qu'organisé spécialment en vue des affaires communes.

D'après un examen consciencieux, le Gouvernement du Roi ne peut donc nullement reconnaître ni comme fondé dans le droit, déterminé par les lois fondamentales de la Confédération et par les arrêtés spéciaux de la Diète, ni comme exécutable dans la pratique, la prétention qu'une voix délibérative soit accordée dans les affaires communes aux Etats de Holstein pendant le provisoire. Faire dépendre l'entrée en vigueur de la constitution définitive du consentement de ces Etats serait tout aussi impossible déjà par la raison que jusqu'à présent les Etats ne peuvent en tout cas prétendre qu'à une co-opération consultative, comme il a été reconnu de tout temps sous les négociations actuelles (voir par exemple le Rapport présenté en date du 14 Janvier, 1858 ; vide Protocole, p. 49, où il s'agit de consultation et d'avis des Etats Holsteinois, relativement à la Constitution commune, et le Mémoire présenté par l'Envoyé du Hanovre, en date du 29 Avril, 1858 ; vide Protocole, p. 464, où la voix délibérative qui reviendrait aux Etats de Lauenbourg se trouve directement opposée au droit plus limité des Etats Holsteinois). Il est toutefois sous-entendu, comme parfaitement conforme à ce qui vient d'être opposé, que le Gouvernement du Roi, et à l'égard des lois communes sur lesquelles les Etats Holsteinois, d'après la Patente Royale du 23 Septembre de l'année passée, auront à donner leur avis, et à l'égard de l'arrangement définitif des rapports constitutionnels, ne manquera de prendre les conseils des Etats en due considération, autant qu'il soit compatible avec les intérêts et les droits bien entendus tels que le Roi dans sa juste sollicitude pour tous ses sujets saura les reconnaître et les concilier entre eux. En conséquence, la position dûe aux Duchés appartenant à la Confédération, dans leur

union avec les autres parties de la Monarchie, ne sera pas perdue de vue; mais toujours est-il qu'une égalité de droits et une indépendance de chaque partie, telles qu'elles ont été mises en avant pour la première fois dans la conclusion du Rapport, ne dérivent d'après l'opinion du Gouvernement ni de la Patente Royale du 28 Janvier, 1852, ni de la Arrêté de la Diète du 29 Juillet de la même année, et à cet égard le Gouvernement du Roi doit se référer spécialement au contenu et aux termes des dits actes.

Quant à la demande exprimée dans le Rapport des Comités que la Patente Royale du 28 Janvier, 1852, pendant le provisoire soit décisive pour fixer la séparation des affaires communes d'avec celles spéciales au Holstein, le Gouvernement du Roi n'aurait pas hésité à accéder à ce point, si celui-ci avait été formulé en forme d'une proposition séparée, d'autant moins que dans tout cas qui est essentiel il coincide avec la disposition y relative de la Patente du 23 Septembre de l'année passée. Mais le Gouvernement du Roi regrette de ne pas pouvoir adopter formellement ce point des conclusions en tant qu'il se présente comme partie intégrante de l'ensemble.

Enfin, si la note du 2 Novembre de l'année passée n'a pas, comme l'observe le Rapport des Comités, fait mention du Duché de Lauenbourg, la raison en est uniquement que cette partie de la Monarchie, et d'après son développement historique, et d'après ses rapports spéciaux, se prête mieux à conserver sa position distincte qu'à plusieurs égards il occupe dans la Monarchie, et qui sans doute est aussi conforme à ses désirs. On avait en outre d'autant moins motif pour mentionner ce Duché dans la dite note qu'on avait tout lieu de croire que sur ce point les vues du Gouvernement exposées à une époque antérieure avaient été reconnues comme satisfaisantes et parfaitement explicites par la Haute Diète (voir le Rapport du Comité en date du 29 Juillet, 1858, Protocole, p. 940). L'Envoyé peut donc se borner pour le moment à appeler l'attention de la Diète sur les explications données à cette époque.

Bien que le Gouvernement du Roi, d'après ce qui vient d'être exposé, ne soit pas en état d'accéder aux conclusions du Rapport des Comités, il se croit néanmoins fondé à exprimer l'espoir que la Haute Diète ne se décidera pas à intervenir d'une manière à entraver et troubler le calme développement des Rapports, qui ne sauraient être menés à bonne fin que par l'emploi de la plus grande prudence et d'un scrupuleux égard aux circonstances. Après que les différentes dispositions constitutionnelles attaquées par l'Arrêté de la Diète du 11 Février, 1858, ont été abrogées pour ce qui concerne les Duchés de Holstein et de Lauenbourg, par la Patente Royale du 6 Novembre, 1858, le Gouvernement du Roi s'est constamment occupé de la tâche si difficile dans les circonstances actuelles de rétablir dans son entier l'union constitutionnelle entre les Duchés de Holstein et de Lauenbourg avec le reste de la Monarchie. Les délibérations avec les Etats Holsteinois, malgré les efforts incontestables du Gouvernement du Roi, n'ayant pas abouti au résultat désiré, on avait décidé de prendre des mesures pour faire une nouvelle et—comme on avait tout lieu de croire—une plus heureuse tentative. Si toutefois la Haute Diète croit de son devoir d'y porter obstacle, Sa Majesté, ainsi qu'il a été mentionné plus haut, est disposée quand dans le courant de l'année de nouvelles élections auront eu lieu dans le Holstein, à entrer dans de nouveaux pourparlers avec les Etats sur un projet de constitution revisé. C'est la voie par laquelle le Gouvernement du Roi croit pouvoir parvenir à l'entente si sincèrement désirée tout en tenant compte des bases légales et des droits reconnus, et tout en pesant mûrement ses propres droits et devoirs. Mais en signalant cette voie, le Gouvernement pourra pour ce qui concerne le procédé exécutoire mis en avant de nouveau dans le Rapport, renoncer pour le moment à motiver plus amplement sa protestation présentée dans son vote du 12 Août, 1858 (Protocole, p. 995), contre la légitimité d'un tel procédé, d'autant plus que depuis cette époque l'état des choses, par suite de l'abrogation des dispositions constitutionnelles attaquées, est essentiellement changé de manière que par cela même une exécution ne pourrait à présent encore moins être justifiée par les lois fédérales. Tout en se bornant ainsi pour le moment à réserver en général ses droits d'après la législation Fédérale, on doit pourtant appeler l'attention sur l'appréciation scrupuleuse des circonstances, avec laquelle la Diète a procédé dans d'autres questions de cette nature, bien qu'incontestablement la solution de celles-ci presentât bien moins de difficultés que l'organisation d'une Monarchie, dont la partie la plus considérable se trouve au dehors de la Confédération.

En s'appuyant sur la déclaration antécédente et sur l'état de choses connu, le Gouvernement du Roi finira donc par se rapporter à l'appréciation impartiale de la Haute Diète pour les meilleurs moyens d'obtenir l'arrangement le plus salutaire pour toutes les parties de la Monarchie et nommément pour le vrai bonheur des Duchés et d'écarter ainsi une complication si dangereuse et si regrettable sous tant de rapports. Aussi à l'occasion du vote prochain l'Envoyé du Roi est instruit à sauvegarder expressément les droits et les décisions ultérieures de Sa Majesté, en se référant à ses déclarations et ses protestations antérieures, et en invoquant nommément les Articles 53, 56, 57 de l'Acte Finale de Vienne.

(Translation.)

THE Envoy is instructed by his Government to make the following declaration when he votes:—

By the note of the 23rd of November last year the Government of the King informed the High Diet of the measures which, in its efforts to create a common Constitution embracing the Duchies of Holstein and Lauenburg, it proposed shortly to take in order to prepare a definitive arrangement of the Constitutional relations of the Monarchy. Although after the different phases through which this matter had passed, it was judged necessary, in order to arrive at a definitive arrangement, to enter into new communications with the Holstein States, the Government of the King could not but consider it salutary to the advancement of this work to preface these new deliberations by consulting delegates from all parts of the Monarchy, elected partly by the Holstein States, partly by the General Council.

The Report made by the Committees in their sixth session, whilst granting due appreciation to the intention of the Government of the King, still considered it their duty to propose to the High Diet not to oppose the plan which the Government of the King has communicated to it, unless the deliberations in question, in conformity with the principle of the transactions of 1851 and 1852, took place with the Delegates of the special representations of the different parts of the Monarchy.

However much the Government of the King may be disposed at all times to accept the advice of the high members of the Diet with regard to the participation of the Duchy of Holstein in a deliberation purely preparatory and prejudging in no way ulterior deliberations, still it is impossible for it to recognize a resolution of the Diet which, in the form of a condition, pronounces on the manner in which the parts of the Monarchy not belonging to the Confederation should be represented in such an Assembly, and which, by demanding that the Danish "Rigsrad" and the States of Schleswig should name the Delegates, attacks the internal relations of these parts of the Monarchy and His Majesty's autonomy.

Although the Government of the King, in face of the condition stated in No. 2. letter A, of the conclusion of the Report, cannot consider itself obliged to abandon the course which it had traced for itself, and which, it is convinced, would have been successful; still it would be impossible to ignore the influence which a resolution taken in conformity with the proposition might exercise on the possibility of convoking the proposed Assembly. It is only too probable, in fact, that the States of Holstein would see in it a motive for refusing to name Delegates; and however illegitimate such a resistance may be in the eyes of the Government, the latter would prefer, in its efforts for tranquillity, to abandon the plan which it had conceived, rather than to allow a collision to take place.

In case the High Diet should decide on adopting the proposal of the Committees, the Government would perhaps find itself necessitated on practical grounds to abandon the preparatory deliberation which they had in view, and which, by a free and thorough interchange of desires and ideas, might have borne fruit in reconciling and uniting the different opinions with regard to the best arrangement of the common affairs. Although thus prevented from making use of means which, in its opinion, would have been the most efficacious, the Government of the King will not desist from its task of creating a Constitution for the common affairs. It would then prepare to proceed to direct and immediate deliberations with the new Assembly of the States of Holstein, which will be chosen at the general elections about to take place, on the prospect of a new common Constitution, for the drawing up of which the Government would have

desired t[illegible] use [illegible] the preparatory Assembly. Whilst deploring that an understa[illegible] should have been rendered more difficult by the adoption of this point of [illegible] port, the Government of the King would indulge in the firm hope that the [illegible] of Holstein would end by understanding what their common interests require.

In this state of things it may be foreseen, as is equally recognized by the Report, t[illegible] even with the best intentions a moderately long time will elapse before a definitive understanding is arrived at.

On [illegible] Majesty, by the Royal Patent of the 23rd of September of last year, communicated to the Diet, has provisionally regulated in conformity with historical [illegible] and with due regard to circumstances, the constitutional relations of Holste[illegible] regard to the common affairs. Not only was it decided by this Pate[illegible] as to [illegible] regards the common affairs, definitive laws on subjects which, b[illegible] the publication of the Ordinance of the 11th of June, 1854, were within th[illegible] sdiction of the former Consultative Provincial States of Holstein, could no[illegible] promulgated for that Duchy before its States had been consulted, but the Patent contains in addition new arrangements, exceeding the limits formerly [illegible] by law on the authority of the States, which offer, with regard to financi[illegible] affairs, guarantees in every way sufficient for the States of Holstein.

Whi[illegible] recognizing also in this point the solicitude of the Government of the King[illegible] Report of the Committees proposes to the High Diet to pronounce that, dur[illegible]g the provisional arrangement, all projects of law which may be submitted to the General Council should also be submitted to the States of Holstein [illegible]d Lauenburg, and that no law on the common affairs, that is, on financial [illegible]ffairs, can be published for the Duchies, unless their States have consente[illegible] Die[illegible] reserving to itself to consider any Ordinance which should be passed [illegible]ontrary to this arrangement as not obligatory on the Duchies.

The [illegible]eport of the Committees has attempted to show a legal foundation for the ab[illegible]ve-mentioned proposition; and it produces for this purpose not only the terms [illegible] former Ordinances concerning the Provincial States, according to which all [illegible]e affairs of the Monarchy, without restriction, would fall under the dominion [illegible] the States, but also the Royal Patent of the 28th of January, 1852, from the [illegible]xpression of which it would result that a deliberative voice had been granted, [illegible]at all events promised, to the States.

If re[illegible]rd is paid to the expressions of which the Ordinances concerning the Provincia[illegible] States make use, as well as to the interpretation which has practically always be[illegible]n given to them, not only in the Danish Monarchy, but also in the other [illegible]States, especially those of Germany where analogous institutions of Provincia[illegible] States existed, it would not be difficult to prove that the consultative competen[illegible] granted to the Provincial States in no way embraced so vast a domain a[illegible]s that which, according to constitutional principles, belongs to a Legislative Ass[illegible]bly, and that, for instance, as far as regards the employment of the revenues [illegible]nd of the public resources of the State, no co-operation, far less a decisive i[illegible]uence, has been actually either granted to or exercised by the Provincial St[illegible]s.

Nor [illegible]es the Royal Patent of the 28th of January, 1852, promise to the Provincia[illegible] States a deliberative voice in all the affairs with reference to which a consultati[illegible] co-operation had, whether legally or practically, been attributed to them. O[illegible] the contrary, the promise expressly applies only to the affairs which, according [illegible]o the new arrangement established by the above-mentioned Ordinance, the differ[illegible]t parts of the Monarchy might more especially call their own, proper or [illegible]pecial, and not common (see Annex 1 to the Memorial of the 23rd Febr[illegible]ary, 1857, inserted in the Protocol of the Diet, p. 734). Nor does the Ordin[illegible]ce on the Constitution of the Duchy of Holstein, dated the 11th of June, 18[illegible] (an Ordinance which, at least on this account, has been the object of no attack[illegible] grant a greater competence to the States; but certainly such an extensio[illegible] [illegible] attributions of the States would have been entirely incompatible with the [illegible] [illegible] in the Royal Patent of the 28th of January, 1854 (approve[illegible] [illegible] as regards the Duchy of Holstein, by the Resolution of the Diet of [illegible] of [illegible] of the same year), to establish a common Constitution for the ge[illegible]ral affairs of the Monarchy.

If, [illegible] the demand made in the Report of the Committees cannot be based on legal [illegible]ons, a fact which, indeed, has been already recognised in the course of these ne[illegible]otiations [illegible], for example, the vote of Hanover in the session of the

12th August, 1858, p. 984), neither can it be sufficiently supported by reasons deduced from the position which the other parts of the Monarchy occupied during the provisional arrangement. The Report of the Committee, it is true, here brings forward the argument that the General Council, in vigour for the other parts of the Monarchy, limits by its action, the liberty of the Royal Will with regard to the Duchy of Holstein also, and that the state of things formerly subsisting is thus essentially modified ; but looking to the explanations and communications which have been presented at former epochs, the Government of the King cannot in any way recognize that such an apprehension has any foundation.

The King having decided to abolish, by the Patent of the 6th of November, 1858, for the Duchies of Holstein and Lauenburg, the Constitutional arrangements attacked by the Diet, namely, the Constitution of the 2nd of October, 1855, as far as regards these same Duchies, has incontestably resumed the plenitude of his sovereignty over these Duchies, which he exercises by Ministers exclusively responsible to His Majesty for that part of the question. In consequence, the King has not only, during the last session of the General Council, fully insured the independence of the States of Holstein and Lauenburg from the resolutions of the General Council, but also by a Special Patent he has fixed, before the opening of the Session, the Budget for the Duchy of Holstein, as regards the common affairs for the next financial period of two years. This full sovereignty the King will continue to assert against the General Council, and he will know how to use it liberally, and without being deterred by any influence whatever, to recognize and insure the rights and interests of his subjects in the Duchies of Holstein and Lauenburg.

Under these circumstances, and in presence of the considerable guarantees which have already been given, the Government of the King cannot be persuaded of the necessity of making further dispositions for regulating the provisionary arrangement. As far as specially regards the arrangement proposed in the Report of the Committees, the impossibility of carrying it out which would result in practice from the basis of organization already agreed upon on either side must also be taken into account. It would not in fact be possible, without new guarantees and particular arrangements, to make the progress and development of the common affairs depend on the consent of two Assemblies, each deliberating separately; the less, as one of these Assemblies is organized and selected solely with a view to purely provincial affairs, which cannot fail to exercise a decisive influence on its composition, its authority, and its action, and as in consequence the Government would not possess in regard to it all the guarantees and means of influence which have been considered necessary in the case of the General Council, although organized with a special view to common affairs.

After a conscientious examination, then, the Government of the King cannot in any way recognise either as founded on right, determined by the fundamental laws of the Confederation and the special decrees of the Diet, or as capable of practical execution, the pretension that a deliberative voice in the common affairs should be granted to the States of Holstein during the provisional arrangement. To make the establishment of the definitive constitution depend on the consent of these States would be also equally impossible, for the reason that, until now, the States can at all events only pretend to a consultative co-operation, as has been always recognized in the present negotiations (see for example the Report presented on the 14th of January, 1858; *vide* Protocol, p. 49, where the consultation and advice of the Holstein States with regard to the common Constitution is in question, and the Memorial presented by the Envoy of Hanover, dated the 29th of April, 1858 ; vide Protocol, p. 464, where the deliberative voice which would belong to the States of Lauenburg is directly opposed to the more limited right of the Holstein States). It is, however, understood, as in perfect conformity with the objections which have been just brought forward, that the Government of the King, both as regards the common laws on which the Holstein States, according to the Royal Patent of the 23rd September last year, will have to give their advice, and as regards the definitive arrangement of the Constitutional relations, will not fail to take the advice of the States into due consideration, as far as may be compatible with their privileges and rights, so understood that the King, in his just solicitude for all his subjects, will know how to recognize and to reconcile them. In consequence, the position due to the Duchies belonging to the Confederation in their

union with the other parts of the Monarchy will not be lost sight of; but it is still asserted that an equality of rights, and an independence of each party, such as they were put forward for the first time in the conclusion of the Report, cannot be derived, in the opinion of the Government, either from the Royal Patent of the 28th of January, 1852, or from the Resolution of the Diet of the 29th July of the same year; and in this respect the Government of the King must especially refer to the contents and terms of the said Acts.

As to the demand expressed in the Report of the Committees that the Royal Patent of the 28th of January, 1852, should be decisive during the provisional arrangement for fixing the separation of the common affairs from those special to Holstein, the Government of the King would not have hesitated to accede to this point, if it had been put forward in the form of a separate proposal, the less so that in every essential particular it coincides with the arrangement in regard to it made by the Patent of the 23rd of September of last year. But the Government of the King regrets its inability formally to adopt this point of the conclusions as it presents itself as an integral part of the whole.

Lastly, if the note of the 2nd of November last year has not, as the Report of the Committees observes, made mention of the Duchy of Lauenburg, the reason is simply that this part of the Monarchy, both in its historical development and in its special relations, lends itself more easily to the preservation of the distinct position which it occupies in several respects in the Monarchy, and which also is, doubtless, in conformity with its desires. There were besides still fewer motives for mentioning this Duchy in the said note, since there was every reason to believe that on this point the views of the Government explained at a former time had been recognized as satisfactory and perfectly explicit by the High Diet (see the Report of the Committee, dated July 29, 1852, Protocol, p. 940). The Envoy may then confine himself, for the moment, to calling the attention of the Diet to the explanation given on that occasion.

Although the Government of the King, in accordance with what has been explained, cannot accede to the conclusions of the Report of the Committees, it nevertheless considers itself justified in expressing the hope that the High Diet will not decide on interfering in a manner which will impede and disturb the quiet development of relations which cannot be put into a satisfactory state without the exercise of the greatest prudence and of a scrupulous regard to circumstances. Since the different constitutional arrangements attacked by the Resolution of the Diet of the 11th of February, 1858, have been abrogated as far as concerns the Duchies of Holstein and Lauenburg by the Royal Patent of the 6th of November, 1858, the Government of the King has been constantly occupied with the task, so difficult under present circumstances, of entirely re-establishing the Constitutional Union between the Duchies of Holstein and Lauenburg and the rest of the Monarchy. The deliberations with the Holstein States, notwithstanding the incontestable efforts of the Government of the King, not having ended in the desired result, it was decided to take measures to make a new and, as there was every reason to believe, a more fortunate attempt. If, however, the High Diet considers it its duty to oppose it, His Majesty, as has been said above, is disposed, when in the course of the year new elections have taken place in Holstein, to enter into new discussions with the States on the project of a revised Constitution. This is the path by which the Government believes that it can arrive at the understanding so sincerely desired, whilst paying attention to legal bases and recognized rights, and whilst maturely weighing its own rights and duties. But in pointing out this path, the Government might, as far as concerns the executory proceeding anew brought forward by the Report, abstain for the moment from a fuller explanation of the protest made by its vote of the 12th of August, 1858 (Protocol, p. 995), against the legitimacy of such a proceeding, the more so that since that time the state of things, in consequence of the abrogation of the constitutional arrangements which were attacked, is essentially changed, so that, for that very reason, an execution could be now even less justified by Federal law. Whilst thus confining itself, for the moment, to a general reservation of its rights according to the Federal Legislation, attention must be called to the scrupulous appreciation of circumstances with which the Diet has proceeded in other questions of this nature, although indubitably the solution of these latter presented much fewer difficulties than the organization of a Monarchy, the most considerable part of which is out of the Confederation.

Relying on the preceding declaration, and on the well-known state of affairs,

the Government of the King will conclude by having recourse to the impartial appreciation of the High Diet for the best means of obtaining the most salutary arrangement for all parts of the Monarchy, and especially for the true well-being of the Duchies, and of thus avoiding a complication so dangerous and so deplorable in every respect. On the occasion of the approaching vote also, the Envoy of the King is instructed expressly to reserve the ulterior rights and decisions of His Majesty, by referring to his former declarations and protests, and by specially invoking Articles 33, 56, and 57 of the Final Act of Vienna.

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No. 10.

*M. de Bille to Lord J. Russell.*—(*Received March* 26.)

My Lord, *Légation de Danemark, Londres, le* 25 *Mars*, 1860.

J'AI l'honneur, par ordre de mon Gouvernement, de communiquer à votre Excellence la ci-jointe traduction de la déclaration que le Représentant de Danemark présenta dans la séance de la Diète Germanique du 8 Mars, lors du vote sur les propositions relatives aux Duchés de Holstein et de Lauenbourg, qui avaient été soumises par les Commissions réunies, chargées de cette question.

Mon Gouvernement m'a en même tems chargé de signaler à l'attention de votre Excellence la gravité de l'état actuel de cette question, et combien les prétentions exagérées et injustifiables de la Diète menacent l'indépendance du Danemark comme Etat Souverain ; Etat n'ayant d'autres obligations envers la Diète que celles qui découlent des liens Fédéraux des deux Duchés de Holstein et de Lauenbourg avec la Confédération Germanique.

Je me réserve à cet égard de présenter verbalement quelques observations à votre Excellence, et j'ai en conséquence l'honneur de prier votre Seigneurie de vouloir bien m'accorder une entrevue à cet effet.

J'ai, &c.
(Signé) TORBEN BILLE.

(Translation.)

My Lord, *Danish Legation, London, March* 25, 1860.

I HAVE the honour, by order of my Government, to communicate to your Excellency the inclosed translation of the declaration which the Representative of Denmark presented during the session of the German Diet of the 8th March, on the occasion of the vote on the propositions relating to the Duchies of Holstein and Lauenburg which had been submitted by the united Commissions entrusted with that question. I am at the same time instructed by my Government to direct the attention of your Excellency to the actual state of that question, and to the extent to which the exaggerated and unjustifiable pretensions of the Diet threaten the independence of Denmark as a sovereign State—a State having no other obligations towards the Diet than those which flow from the Federal ties of the two Duchies of Holstein and Lauenburg with the Germanic Confederation.

On this point I propose to offer some verbal remarks to your Excellency, and I have in consequence the honour to beg your Lordship to be so good as to grant me an interview for that purpose.

I have, &c.
(Signed) TORBEN BILLE.

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Inclosure in No. 10.

*Communication made by the Danish Envoy at the Frankfort Diet, March* 8, 1860.

[See Inclosure in No. 9.]

No. 11.

*Mr. Paget to Lord J. Russell.—(Received April 2.)*

My Lord, *Copenhagen, March 27, 1860.*

THE sittings of the Schleswig Diet were brought to a close on the 19th instant.

In addition to the Address to the King inclosed in translation in my despatch of the 16th of February, which was voted by the majority of the Assembly other motions for petitions to His Majesty, relative to an alteration in the law regarding the use of the German and Danish languages, the freedom of the press, the right of public meeting and of petition, were likewise carried during the past session, which has been remarkable for the bitterness of feeling and warmth of discussion which prevailed between the contending parties.

In a recent conversation with M. Hall I asked his Excellency whether it was the intention of the Danish Government to recommend His Majesty to give a favourable consideration to the wishes expressed by the majority. Without giving a direct answer to this inquiry M. Hall spoke of the general difficulties which surrounded the Danish Government in regard to the Duchy of Schleswig.

He said in the first place that the majority of the Schleswig Diet did not represent the feelings of the Duchy; that majority was, and always must be, composed, so long as the present electoral law was in force, of delegates of the nobility and clergy who all belong to the German party. The Diet was elected for six years, and the Government, he said, had no power to dissolve it.

M. Hall further continued that if it was mercly a question of acceding to the demands set forth in the various motions which had passed the Diet, it would be folly on the part of the Danish Government not to comply with them; but experience had proved that any efforts of the Danish Government towards conciliation on these points would be useless, because the aim and object of the party who mooted them was to set aside the fundamental laws of the Monarchy as at present established, and to return to the state of things which existed before 1848.

No measures, added M. Hall, proposed by the Danish Government will be accepted by this party which do not tend to bring about Schleswig-Holsteinism.

Whatever value is to be attached to this assertion it is impossible to deny the reality of some of the facts complained of, and until the Duchy of Schleswig is placed on a more equal footing with the rest of the Monarchy in regard to freedom of the press, the right of petition and public meeting, and a greater amount of liberty is allowed to individuals as to the education of their families, there is little hope of the agitation which exists there ceasing, or of more loyal feelings towards the Danish Government being exhibited by a certain portion of the population.

I have, &c.
(Signed) A. PAGET.

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No. 12.

*Lord J. Russell to Mr. Paget.*

(Extract.) *Foreign Office, April 11, 1860.*

IT is much to be desired that the Danish Government should take some steps to conciliate the German Powers. A liberal and separate Constitution for Schleswig would, it appears to Her Majesty's Government, conduce to this end.

If a conciliatory plan were proposed, fulfilling all that the Danish Government have promised, Her Majesty could be advised to recommend it to the Diet with some prospect of success.

I have, therefore, to instruct you to speak to M. Hall in the above sense, informing him that Her Majesty's Government earnestly desire the termination of this struggle, which grows in bitterness in proportion to the length of its duration.

We trust that Denmark will go the utmost length in the way of conciliа-

tion. The interests and feelings of the German inhabitants of Schleswig are deeply concerned in the settlement of this question.

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No. 13.

*Lord Bloomfield to Lord J. Russell.*—(*Received April* 30.)

(Extract.) *Berlin, April* 28, 1860.

A PETITION having for its object, "to call upon the Government for an inquiry as to whether the conditions agreed to in the negotiations with the Danish Government of the years 1851 and 1852 in respect of the Duchy of Schleswig, have been fulfilled, and if not fulfilled to solicit the Government to take the necessary measures to obtain this fulfilment," comes on for discussion next week in the House of Representatives.

A question more pregnant with important consequences, both as regards the external policy of Prussia in particular and that of the German Confederation at large, could hardly, at the present moment, have been brought before the forum of the only popular Assembly deserving the name in Germany.

Hitherto the negotiations respecting the fulfilment on the part of Denmark of the engagements entered into by the Danish Cabinet towards the Confederation have been restricted to the Duchies of Holstein and Lauenburg. This restriction of the question to territories forming integral portions of the Confederation has necessarily confined it within the limits of a German question only, of a home question in fact, with which the other members of the European family were only indirectly concerned.

On the other hand, the engagements taken by Denmark towards the Confederation, as regards the Duchy of Schleswig, though not less clear and binding in their nature than those taken as regards the other two Duchies, have necessarily assumed the nature of an international compact, and any measure taken by the Confederation to obtain the fulfilment of those engagements, with respect to a country not forming part of the Confederation, must, from an equal necessity, assume an international character. Probably reckoning upon this fact, and upon the proverbial incapacity of the German Diet to carry on any active foreign policy of its own, trusting withal to the sympathy which, in the former phases of this conflict, Denmark has received from other European Powers, the Danish Cabinet has been at little pains to keep up even the appearance of a fulfilment of their engagements, and it is unfortunately a notorious fact that none of the guarantees given to Germany to respect the German nationality in Schleswig, to place the two races in that Duchy upon a footing of equality, and to keep intact all the bonds not of a political nature which united that Duchy to Holstein, have been respected by Denmark.

The patriotic spirit which undoubtedly characterized the struggle of the Danish Monarchy against the Confederation in 1848 has, as is too generally the case where different races are brought into a forced political contact, manifested itself since the Peace in a spirit of systematic hostility against the German element in a Duchy which, from the point of view taken by the political party in power at Copenhagen is, or at least must eventually become, a Danish dependency, and the energy and passion which, when opposed to an overpowering antagonist, could not but command, independently of the political merits of the question, admiration and sympathy, have, since they have been directed against a weak and comparatively helpless minority, degenerated into a persecution for which the Danish Cabinet can hardly claim, on the part of Europe, the sympathy which was before bestowed upon it.

This persecution which has of late, at the time of, and since the meeting of the Schleswig States at Flensburg, assumed a more violent form, has excited throughout Germany a strong feeling of resentment against the Danish Cabinet, and of sympathy for the sufferers, and the petition about to be discussed in the Prussian Chamber is the expression of this feeling.

As the petitioners have wisely limited themselves to a solicitation of an inquiry as to the bare and literal fulfilment of engagements solemnly entered into by the Danish Cabinet, there can be no doubt as to the position which the Government will assume towards the petitioners. The inclosed translation of the statement made by Baron Schleinitz in the Committee of the Prussian House of Representatives sufficiently indicates what that position will be.

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Inclosure in No. 13.

*Statement of Baron Schleinitz, in the Committee of the House of Representatives, respecting the Schleswig Petition.*

THE Minister for Foreign Affairs then spoke to the following effect :—

The Government fully participate in the views and the sympathies expressed in the petition for Schleswig.

As regards the matter itself he must remark as follows :

The general result of the negotiations carried on in the years 1851 and 1852 between the Confederation and the Danish Cabinet, may be described under three heads :

1. The non-incorporation of Schleswig into Denmark.

2. The recognition of an independent position invested with equal rights ("Selbststandige und gleichberechtigte stellung") for the different parts of the Monarchy, consequently for Schleswig also, within the limits of the United Kingdom ("Gesammt Monarchie").

3. Equal rights for the German and the Danish nationality in Schleswig.

These rightful claims have hitherto remained unfulfilled. The state of things actually existing in Schleswig in many respects approaches, as regards its practical results ("in seinen wirkungen"), to an incorporation, and the German nationality is notoriously less favourably treated than the Danish.

Consequently the Confederation has the right flowing from the negotiation above adverted to, to insist on the fulfilment on the part of Denmark of the promises given by her. That the Confederation has hitherto not taken this step, and that it has contented itself during the past years in drawing the question of Holstein and Lauenburg only before its forum, is a policy for which it is manifest that there were reasons of great weight; however, opinions may be divided as to the expediency of such a separation of the two questions.

The question, in so far as it was restricted to Holstein and Lauenburg only, stood upon the basis of German Dietal Law. The Confederation was here the arbiter, and the King-Duke was bound to give ear to its decrees. Every influence on the part of foreign Powers was excluded. In the question of Schleswig, on the other hand, the Confederation was a party concerned: here, it had to deal with Denmark as between State and State, and every difference on this field necessarily assumed an European character. The European Powers had in the matter of Schleswig been formerly very unfavourably disposed towards Germany. Induced by the conviction that a material difficulty in the way of a favourable arrangement of the relations of Schleswig lay in the former attitude of the Cabinets of the Great European Powers, the present Government of Prussia has from the first moment of its accession endeavoured to the best of its ability to remove this difficulty, and in these endeavours, which it has reason to believe have not remained altogether without result, it will unremittingly persevere.

What the Confederation may think right to do, it must itself decide. That, as far as the Prussian Government is concerned, in influencing a Federal decision it will be led by the sincerest sympathy for the weal of Schleswig hardly requires to be here specially promised.

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No. 14.

*Mr. Paget to Lord J. Russell.*—(*Received May* 1.)

(Extract.) *Copenhagen, April* 24, 1860.

THE messenger Grattan arrived here on the 14th instant, and delivered to me your Lordship's despatch of the 11th instant.

Your Lordship observes that it is much to be desired that the Danish Government should take some steps to conciliate the German Powers; that a liberal and separate Constitution for Schleswig would, it appears to Her Majesty's Government, conduce to this end, and that if a conciliatory plan were proposed, fulfilling all that the Danish Government have promised, Her Majesty could be advised to recommend it to the Diet with some prospect of success. Your Lordship instructs me to speak in this sense to M. Hall, informing him that

Her Majesty's Government earnestly desire the termination of this struggle, and trust that Denmark will go to the utmost length in the way of conciliation.

As Schleswig is already in possession of a separate Constitution and a Provincial Assembly, where the affairs especially relating to the Duchy are treated, I of course understand it to be the wish of Her Majesty's Government to see a system adopted which would give to Schleswig a more direct share in the affairs common to the whole Monarchy than it now possesses, by sending representatives to the Supreme Council of the Kingdom (Rigsraad).

I lost no time in seeking M. Hall, and speaking to him in the above sense, but as the German Diet cannot, at present, interfere in the affairs of Schleswig in virtue of any positive right, as in the case of Holstein and Lauenburg, I thought it better to base the representations I made to M. Hall entirely on the ground of expediency and good policy.

I regret to say, however, that I could obtain no concession from his Excellency on the point in question. All that I could get from M. Hall was an assurance that, in the event of the proposals which the Danish Government intend to make to the Holstein States being accepted, the Danish Government would then take into consideration the state of Schleswig, with a view to remedy any evils which may be justly complained of.

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No. 15.

*Mr. Paget to Lord J. Russell.*—(*Received May* 1.)

(Extract.) *Copenhagen, April* 24, 1860.

AT an interview which I have recently had with M. Hall, I suggested to him the expediency of adopting the following arrangements as a means of satisfying the German population of Schleswig, and at the same time of bringing the differences between Denmark and the Confederation to an end:—

1. Arrangements to be made for Schleswig.

A new Constitution, on a liberal basis, guaranteeing Legislative and Administrative independence to the Duchy, and giving practical effect to the promises made in the Royal Patent of 1852 respecting nationalities.

Languages:—According to present regulations, in the districts called "Mixed," Danish is used in the schools, and Divine service is performed in Danish and German on alternate Sundays.

Instead of this, which is complained of, the population of the Mixed districts to decide by vote in which language the schools are to be conducted, and Divine service performed.

As an inducement to the Danish Government to agree to these changes, and in order to meet the objections so often put forward by M. Hall that the present Diet of Schleswig does not represent the true feelings of the population, I suggested a new Electoral Law, and convocation of a new Diet.

2. Arrangements for the whole Monarchy, with a view of terminating disputes with Germany.

Each part of the Monarchy to be declared separate and independent of the other other. (The re-establishment of the union between Schleswig and Holstein, so much apprehended by the Danish Government, thus guarded against.)

Affairs common to the whole Monarchy to be reduced within the narrowest limits. Supposing it possible to confine them to the following, namely. Army, Navy, Civil List, Diplomacy, the sum to be contributed by each part of the Monarchy to be settled once for all on the calculation of what each now pays. In the event of extraordinary credits being required, a Commission of members elected out of the different Provincial Assemblies to meet at Copenhagen to discuss and vote the necessary laws.

M. Hall listened attentively while I laid these plans before him, but he did not give me any hope that he would adopt them.

## No. 16.

*Consul-General Ward to Lord J. Russell.—(Received May 7.)*

My Lord, *Leipsic, May 3, 1860.*

THE disordered state of the Duchy of Schleswig has made a strong impression in Germany since the beginning of the current year. The Diet of that Duchy has lately separated, having exhibited the spectacle of a Government unable to carry any of its propositions, and of the adoption by the States (by a majority of twenty-six to eleven votes) of an Address to the Crown, protesting against the course adopted by the Danish Administration, and insisting upon the Constitutional rights of the Duchy being no longer withheld from it. The Crown refused to receive the Address, and prosecutions are said to have been commenced against a great number of persons in the Duchy, who have either declared their adherence to the principles of the Address, or have signed petitions to the States in a similar sense.

The police has been actively at work in all parts of the country, in summoning, fining, and imprisoning, on account of the Address and on other pretexts, those who have made themselves in any way obnoxious to the Danish authorities. In the town of Schleswig alone 300 of the inhabitants, some of them of the first respectability, are reported to be under police arrest, which restrains them from quitting the place.

A system of intimidation and terrorism would appear to be carried on against the German population of the Duchy, for the purpose of forcing them to abstain from complaints against the Danish Administration, and to submit to an abridgement of the Constitutional rights which have been guaranteed equally to the German and Danish nationalities within the Duchy by the King-Duke.

The subject has lately been brought under the notice of the Prussian House of Representatives now sitting at Berlin, in consequence of several petitions presented to that House, praying for inquiry, and for the fulfilment of the promises made by the Danish Crown in favour of Schleswig, after the termination of the war, under the guarantee of the German Powers to the people of the Duchy. These petitions were referred to a Committee, which recommended to the House to require the Executive Government to ascertain whether Denmark had fulfilled the conditions stipulated on behalf of Schleswig in the negotiations of 1851 and 1852; and if not, that Prussia, as a guaranteeing Power, should enforce the observance of those conditions.

The Prussian Minister for Foreign Affairs assured the Committee of the sympathy of the Government with the prayers of the petitions regarding Schleswig, and he specified three points on which Denmark was under positive engagements to the Germanic Confederation, viz.:—

1. That Schleswig should not be incorporated with the Kingdom of Denmark;

2. That Schleswig should have her equal and independent rights as a part of the entire Monarchy; and

3. That the German and the Danish nationalities in Schleswig should be placed on the footing of equal rights.

The Minister declared these engagements to be as yet unfulfilled, and indeed their non-observance is so notorious that the Danish Government would probably not affect to have carried them out, but would rather excuse itself on account of the assumed difficulties of its political situation.

The constitutional grievances of Schleswig are essentially the same as those of Holstein; but the former, on account of its mixed population, has had, in addition, its peculiar sufferings arising from the habitual preference given by the Government to the Danish nationality, the expulsion of German officials, the enforcement of the Danish language in the churches and schools, and the systematic annoyance of the German inhabitants by the Danish police. These grievances, in so far as they fall within the scope of the promises made by Denmark to Austria and Prussia in the year 1851, and of the King's proclamation dated the 28th January, 1852, do certainly seem deserving of redress; and whenever the Prussian Government may make up its mind to enforce against Denmark the rights of the German inhabitants of Schleswig, that Government will have with it the sympathy and approbation of all Germany, without distinction of political parties.

The question of Schleswig does not belong to the forum of the Germanic Diet like that of the other two Duchies of Holstein and Lauenburg, which is a purely German question, and does not admit of the intervention of any foreign Power. The Schleswig case is one in which the Germanic Confederation, represented either by Prussia or Austria, or by both of them, may demand from Denmark, as an independent Power, the fulfilment of the promises given in consequence of the Peace of the 2nd July, 1850. Prussia guaranteed to the Duchy on the 7th January, 1851, the accomplishment of this result, and may, therefore, consider herself morally, as well as legally, bound to put an end to a state of things so oppressive to the inhabitants, and so contrary to what was held out to them at the time of the Peace. Whether an appeal will be made on either side to England, as the mediator of the Peace, I do not at present know; but, if it should, I feel sure that a careful examination of the history and facts of the case will show that Prussia is not proceeding without adequate grounds, and that the course pursued by Denmark towards her German subjects in Schleswig has been highly irritating to them, and inconsistent with their national rights. If a partition of the Duchy of Schleswig according to the nationalities could be effected, giving the northern part to the Kingdom of Denmark, and annexing the southern part to Holstein with sufficient constitutional guarantees, it would go far towards settling this perpetual conflict between the two nationalities.

I have, &c.

(Signed) J. WARD.

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No. 17.

*Lord Bloomfield to Lord J. Russell.—(Received May 7.)*

My Lord, *Berlin, May 5*, 1860.

I HAVE the honour to transmit to you herewith a Report on the first part of the debate held this week in the House of Representatives respecting the Schleswig-Holstein question. The debate having only come to a close yesterday, and the Reports *in extenso* being only published two days later, I must delay transmitting the latter portion of the debate till the early part of next week.

I have, &c.

(Signed) BLOOMFIELD.

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Inclosure in No. 17.

*Report on the First Part of the Schleswig-Holstein Debate in the House of Representatives.*

THE debate in the House of Representatives upon the Schleswig-Holstein question took place on the 3rd and 4th instant.

The motion actually before the House was as follows:

"The Committee of Petitions recommend the three petitions to the consideration of the Government in the sense that the said Government be moved to inquire whether, and in how far, the conditions settled upon in the negotiations of 1851 and 1852 with the Danish Government have been fulfilled by that Cabinet, and, if not fulfilled, that the Government take the necessary steps to insure their fulfilment."

An amendment to this Resolution was proposed by M. de Carlowitz to the effect—

"That the House of Representatives, in recommending the petitions in question to the attention of the King's Government, express their expectation that the said Government will leave no means untried to assist the Duchies of Schleswig and Holstein to attain at length the full enjoyment of their deeply injured rights."

A sub-amendment to this amendment was proposed by M. de Blanckenburg, the leader of the Feudal party, to the following effect, that after the words, "express the expectation that the said Government will leave no means untried," the words "in common with their German confederates" be inserted.

The reporter of the Committee having declared that he would not oppose the amendment of M. de Carlowitz, Baron Schleinitz rose and spoke to the following effect:

"Gentlemen,—I beg to add some few observations to the detailed Report of your Committee. That Report touches upon a subject in which, no less than in the question of the Hesse Constitution lately discussed in this Chamber, not the people of Prussia only, but the whole German nation takes a lively and deeply rooted interest; for in it are involved the weal or woe of two countries, of which the one is a powerful and valuable member of the German Confederation. and the other, though not politically bound to Germany, nevertheless constitutes an advanced bulwark of German public spirit and German manners, whilst both of them are inhabited by one of the most doughty, one of the most hardy, one of the most noble branches of the German race.

"The petitions addressed to you, of which that from Berlin has the signatures of men standing high in public estimation attached to it, and which express in warm and eloquent language the interest taken in the matter by the petitioners, occupy themselves more particularly with the relations of the Duchy of Schleswig, and with reference to these bring forward certain distinct proposals; and in truth, Gentlemen, the "States" of Schleswig have recently by calling attention to a series of what I may well be allowed to designate lamentable facts and occurrences, more especially drawn to themselves the attention of all Germany. It is not easy for a foreign Government living at a distance to adduce conclusive proofs with respect to such facts and occurrences, but nevertheless, according to all that has of late become known upon the subject in an authentic manner, especially by the discussions in the Schleswig Chamber, it is my conviction that the German Confederation will hardly be able to withdraw itself much longer from the obligation of taking into consideration the state of Schleswig. That Body will have to test whether, and in how far, that state answers to what Germany is justified in demanding of Denmark that it should answer to, upon the ground of the negotiations brought to a close in 1858.

"I have allowed myself to communicate to the Committee an *exposé*, drawn from public acts, of the general result of those negotiations. According to these, Denmark has engaged to grant equal protection and equal rights to the German nationality in Schleswig with those afforded to the Danish nationality; further, never to incorporate the Duchy of Schleswig into the Danish Monarchy; and, lastly, to allow, in the general constitution of the Monarchy, an independent position endowed with equal privileges to the several component members of the Monarchy.

"It cannot be doubted that these engagements were of no less importance to the German Federal State of Holstein, whose position became materially strengthened thereby, that in this independent position of the various members of the Monarchy one of these members stood side by side with it in which the German nationality could vindicate itself. Nevertheless, in comparison with the relations that had a rightful existence before, these assurances contained only a very limited foundation for a national and independent existence, and it was therefore all the more confidently to be expected that this narrower foundation should be left to Schleswig whole and undiminished.

"It is not my intention to enter into a detailed discussion of the general state of the country, but this I believe I have the right as well as the obligation to say, that, in the state of things as at present existing, no impartial observer will recognize a realization of the engagements entered into by Denmark. What decision the German Confederation may, under these circumstances, deem it justifiable to arrive at, must be left to the discretion of that Body. The King's Government cannot consider themselves authorized to prejudice these decisions by declarations on their part.

"Far less unsatisfactory appears, at present, the position of Holstein and Lauenburg. Here, after the definitive abrogation of the General Constitution by the late Dietal Decree of the 8th of March of the current year, a Provisional State has been fixed, according to which, in the so-called 'common affairs' of the Monarchy, all measures requiring, in the Kingdom of Denmark, the consent of the Reichsrath, will for the future, in the Duchies of Holstein and Lauenburg, require the consent of the Provincial States; nor has this Decree of the Diet been made to depend upon a declaration of approval on the part of the Danish Government, but, on the contrary, it has been expressly declared that no measure

in which this course should not be followed would be considered as binding. If, for the present, the provisional state of the two Duchies appears placed out of danger, nothing has, nevertheless, as yet been done for the definitive regulation of their political relations; and the question of the united Monarchy, and the place in it which these Duchies will have to assume, still remains unsettled.

"Gentlemen, Prussia has at heart the interest of these German Duchies. She will continue, as she has hitherto done, to advance and support these interests by every means in her power, whether as a member of the Confederation or in using her influence as an European Great Power. I need, however, hardly call to your recollection in how many ways, especially as far as Schleswig is concerned, the threads of this question are woven into the texture of general politics. If, then, on the one hand, there can be no doubt about the general goal and direction of our endeavours, so, on the other hand, the decision as to the manner and the form, as well as the choice of the right moment for action, must be determined by considerations dependent upon the general aspect of political affairs. The Government think, therefore, that it may ask of you to confide in them that they will know not only how but when to use the initiative which, as a Federal and a European Power, belongs to them. The German Duchies, by the constancy with which they have never ceased to defend their rights and their nationality, have afforded a brilliant and beautiful example. This deserves all the more universal acknowledgment that they have never once forgotten their allegiance to their lawful Sovereign, and never left the path of moderation and calm, both of which are the most unmistakeable signs of a good and just cause.

"Let me conclude by expressing the hope that a like spirit and disposition will, for the future also, accompany the Duchies amidst the difficulties and the dangers which yet beset their thorny path."

M. Mathis then addressed the House in favour of the Carlowitz amendment. After recapitulating the historical connection of Schleswig with Holstein, and referring to the formal guarantee given by every Sovereign since Christian I to rule over the united Duchies, not as King of Denmark, but as Duke of Schleswig and Holstein, he went on to give a description of what that union meant in principle, and what it had been *de facto* until the revolutionary movement at Copenhagen in 1848 had forced the King to yield to the Danish cry of separation of the Duchies and incorporation of Schleswig into Denmark. That union, he said, implied a community of legislation and administration in all matters coming within the scope, in modern parlance, of the Ministries of the Interior, of Justice, and of Public Worship. This community had been the formal stipulation upon which the reigning Dynasty had been called to the Throne, and was consequently the inalienable right of the two Duchies; and the severance of those common ties by the incorporation of Schleswig into Denmark as a Dependency of the Danish Crown had therefore been a direct attack upon the undoubted rights of a Duchy forming an integral portion of the Confederation. Hence the war in which Germany had been involved for the safeguarding of those rights had been a just and unavoidable war.

The speaker then referred to the circumstances that had brought that war to a resultless end; and then went on to describe, in eloquent language, in what sense the minimum of nationality and independence which Denmark had pledged itself to vouchsafe to Schleswig had been interpreted by the Danish Cabinet:—Wholesale expulsion of German officials, German clergy, German schoolmasters, from the Duchy, and importation in their stead of ship-loads of Danish officials, Danish clergy, and Danish schoolmasters, into the Duchy; razzias in churches and schools; the Word of God preached in a tongue not understood by the people; candidates for confirmation compulsorily taught in a language wholly unknown to them; deposed German clergymen forbidden by the police to give religious instruction to their own children: in one word, a remorseless persecution, in which the imported Danish clergy had taken so prominent a share as to earn for themselves the title of the "black gendarmerie."

The speaker, in alluding to the European character of the question, said it was for no Power a more sacred duty to speak a decisive word on the side of right and justice in the matter than for England, whose policy from 1848 to 1852 had so materially conduced to the misery under which Schleswig-Holstein at present groaned. It was the duty of England to side with her Anglian* kith and kin

* Allusion to the district of "Angeln," in Southern Schleswig.

and to stand up for the rights of the people between the Eider and the Königs Au! He would vote against the resolution of the Commission, and for the amendment, because the former did not go far enough for him. When of two parties to a contract the one had clearly and manifestly violated such contract, the other party was released from it, and he considered, therefore, that Prussia's honour obliged her to take this view of the case. It was impossible to abide by the Dietal Resolution of 1852.

M. Mathis was followed by M. de Bentkowski, a member of the Polish fraction.

The speaker said he would raise his voice in favour of an oppressed nationality, and in the name of the fraction he represented he would place on record the sympathies of the Poles for the oppressed inhabitants of Schleswig. He was desirous of not disturbing the harmony of the present debate by invidious parallels between the case of the Schleswigers in Schleswig and the Poles in the Duchy of Posen. He and his party would do their best to bring about a unanimous vote on this question; nor could he doubt of such a result.

The speaker then drew a lively picture of an oppressed nationality in the abstract, every word of which was intended to convey the speaker's view of the action of the Prussian administration in Posen, and to establish the parallel he had commenced his speech by so carefully guarding against.

"When a state of things such as I have now described," he continued, "exists, be it in Hungary, be it in Poland, be it in Italy, our votes will ever be given in the sense they will be to-day. We will vote, Gentlemen, on such a point with a yet warmer feeling than you, for we have ourselves gone through the school of the bitterest affliction—that of national oppression; an affliction which may God avert from you and your children's children!"

Here the speaker's voice became so affected that he was for some time unable to proceed.

Count Schwerin, the Minister of the Interior, was not slow to take up the challenge thrown to him by the Polish fraction, and indignantly repudiated the parallel drawn between the two cases. In Schleswig the avenues of right and justice were closed against the oppressed. In Posen they were open, and whenever a Polish grievance was made known it received a patient and careful examination, and in ninety-nine cases out of one hundred it turned out to be unfounded.

Besides, that Chamber existed for the Poles as well as for the rest of the Monarchy, and in it they could bring their griefs to the light of publicity. Right and justice would ever be awarded to Poles as well as to Germans, but against specific Polish agitation the Government would act, and act with energy.

M. de Reichensperger, the leader of the Catholic party, gave, in the name of his party, his adhesion to the Resolution of the Committee.

Caplan Berg treated the subject at length, and specially called attention to the action of the great Powers in 1848-52, showing how the *status quo*, fraught as it was with the seeds of perpetual disquiet, had been brought about by the overpowering influence of Russia.

After some more unimportant speakers had been heard the debate was adjourned to the following day.

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No. 18.

*Consul-General Ward to Lord J. Russell.—(Received May 9.)*

(Extract.) *Leipsic, May 7, 1860.*

HAVING perused the debates upon the Schleswig question in the Prussian House of Representatives on the 3rd and 4th of this month, I take the liberty of submitting to your Lordship the observation, that the result of those debates differs in one material point from the recommendation of the Committee noticed in my despatch of the 3rd instant.

The motion made to the House in accordance with the Report of the Committee was, "That the Government should be required to ascertain how far the conditions stipulated with Denmark in the negotiations of 1851 and 1852 in

respect of the Duchy of Schleswig (not mentioning Holstein) have been carried out, and, if not, that the fulfilment of those conditions, as guaranteed by the Crown of Prussia (not mentioning the other German States), be at last enforced;" whereas, the Resolution adopted was as follows:—"The House of Representatives, in referring the Petitions now before it to the Executive Government, declares its expectation that the Government, in concert with its German Allies, will omit nothing in order to help the Duchies of Schleswig and Holstein at last to the full enjoyment of their much violated rights."

The insertion of the words "in concert with its German Allies" will make it impossible for Prussia to proceed alone in this matter; and although there is no reason to suppose that Austria, or any other Federal State, differs from the views of Prussia in regard to the Schleswig-Holstein question, it is obvious that the action of the Germanic Confederation must be much slower and less efficient than if Prussia were to adopt an independent course of action.

The introduction of the word "Holstein" into the Resolution seems unimportant, since the Federal Diet has long been occupied with the affairs of that Duchy, as every one knows.

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No. 19.

*Lord Bloomfield to Lord J. Russell.—(Received May* 12.)

My Lord, *Berlin, May* 8, 1860.

I HAVE the honour to transmit herewith, for your Lordship's information, a further Report upon the proceedings in the Prussian Chambers, containing an account of the close of the debate upon the Schleswig petition.

I have, &c.

(Signed) BLOOMFIELD.

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Inclosure in No. 19.

*Report of the Adjourned Debate on the Schleswig-Holstein Question in the House of Representatives.*

THE debate on the petition respecting Schleswig was renewed on Friday the 4th instant.

M. de Carlowitz, the mover of the Amendment given at the commencement of my former Report, was the next speaker on the list.

"We stand once more," he said, "at the sick bed of the German nation. The Minister for Foreign Affairs has made a difference between the cases of Schleswig and Holstein, in reference to the competence of the Diet, the case of the latter merely involving a German question, whilst the treatment of the former involved a European question. I cannot, as regards any practical results, see a difference between the two. I perceive that Denmark has treated with the same contempt, or at least with pretty nearly the same contempt, the Resolutions of the Diet with regard to Holstein, as she has done her engagements with regard to Schleswig. She has done so because she knows right well that there is something rotten in the state of Germany, and that she has to do with the 'sick man of the West,' the German Diet. He did not agree with the Resolution of the Commission, because he considered that no previous inquiry was required to prove that the engagements taken by Denmark had been violated. The statement of the Foreign Minister in the Committee had said as much. He had, therefore, proposed his amendment. The initiative in the matter must of course be left to the Government. The duty of the House was to strengthen the hands of the Government, and assure it of support if it went in the right direction.

"As regarded the amendment of M. de Blankenburg, that the steps taken by Prussia should be taken in conjunction with her German confederates, he would observe that if the member for Naugard meant thereby, that when the time for action came, the Prussian Cabinet was bound to secure for such action the co-operation of the other Governments of Germany, he was perfectly agreed with it. If, on the other hand, the honourable member meant, by his sub-

amendment, to exclude the independent action of Prussia as a European Power, and to bind that action to the steps the Diet might choose to take in the matter, then he utterly dissented from it.

"Could the House believe that anything was to be hoped for from the Diet for Schleswig-Holstein? If he had had any doubt upon the subject before, what he had read an hour ago in the papers would have removed that doubt. He had, namely, learnt that Prussia's proposition at Frankfort for a reorganization of the Federal army had not found one single supporter.

"The Diet, it was true, had on one or two occasions broke into a canter on the question of the Duchies, but it was only to sink afterwards into a yet more hopelessly torpid state.

"What the House, therefore, has to recommend to the Government is, to watch the political horizon of Europe for any opportunity which may present itself for asserting and vindicating the just rights of the Duchies, and when such an opportunity has presented itself, then to seize it with all energy and resolution, and to trust to the co-operation of the Germanic nation.

"If the House accepts the sub-amendment of the leader of the Feudal fraction in this sense, then let it support it; if not, not."

M. de Blankenburg then rose. His speech, which was too long to admit of being even fairly analysed, was of importance on two points:

First, as placing on record the adhesion of the Feudal party to the national principle involved in the Schleswig-Holstein question.

Secondly, as giving him and his party the opportunity of interpellating the Government as to whether the views of the Ministry with respect to the position of Prussia to the Diet were identical with those of MM. de Carlowitz and Vincke, and, in fact, the majority of the House.

He asked permission to read a speech delivered in a German Parliamentary Assembly, the author of which he would only afterwards name, for fear of prejudicing the House against it.

This speech, which it turned out, had been spoken by Dr. Stahl, the leader of the Party in the House of Nobles in 1857, was an eloquent appeal in favour of the legitimate rights of the Duchies as trampled upon by the triumph of the Revolutionary and Democratic Party at Copenhagen, and contained an exposé of the relation in which the Feudal Party had stood towards the question in its earlier stages.

As regarded the meaning to be attached to his sub-amendment, the speaker wished it to be distinctly understood that he did not mean to say that under no circumstances Prussia had the right to move in the matter as an independent Power, and that he guarded himself against the possible interpretation of his proposal "as only meaning that only a majority of the Diet had to decide upon this Dietal question." What he did mean was, to protest, under present circumstances, against placing a burden on the shoulders of Prussia alone, which she was by no obligation bound to bear alone.

To the arrangement of 1852 the other German Powers and Austria in the very first line were parties, and he could not see why the opportunity should be withheld from Austria, who was so desirous of being German, to fulfil her obligations in the matter.

And this led him to a very serious matter, namely, to the attitude taken in this debate, as well as in the former one, by MM. de Carlowitz, de Vincke, and their friends, as regarded the policy of Prussia in the Confederation.

The impression left by these Debates necessarily led to this question being asked: "Does the majority of the House of Representatives, and with it the Prussian Ministry, mean to announce either that the Diet no longer exists, or that Prussia must secede from the Diet, or that Austria must be thrust out of it? It is to elucidate this question," the speaker continued, "that I have proposed my sub-amendment; and I hope that the opportunity thus afforded to the Minister of Foreign Affairs will be used by him to explain himself fully and distinctly on the subject."

In reply to this interpellation Baron Schleinitz rose and said that although, in presence of notorious facts, it was hardly necessary for him to do so, he would, nevertheless, declare that the Government did not share the opinions expressed by Baron Vincke respecting the Diet. The Government recognized the present organ of the Confederation as existing both *de facto* and *de jure* ("nicht blos als factisch sondern als rechtlich bestehend"). More general expla-

nations with respect to the German policy of the Government his Excellency thought unnecessary, as this policy had already been abundantly explained.

Baron Vincke, as usual, reserved himself for the conclusion of the debate, and critized approvingly or disapprovingly, as opportunity offered, the speeches of friends and foes.

The House then came to a division which yielded a result, I believe hitherto unprecedented, of a unanimous vote of the 305 members present in favour of the Carlowitz amendment, as modified by the Blankenburg sub-amendment.

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No. 20.

*Mr. Paget to Lord J. Russell.*—(*Received May* 14.)

(Extract.) *Copenhagen, May* 9, 1860.

THE discussion in the Prussian Chambers on the petition presented from Schleswig has produced a considerable impression on the Danish Government.

M. Hall, whom I saw this afternoon, spoke to me in terms of great discouragement respecting it, and said it had greatly added to the difficulties of the situation.

This was the first time, his Excellency observed, that the reunion of Schleswig and Holstein had been openly avowed as the aim and object which Germany, or rather Prussia, had in view; and now that the Holstein States were assured of the support of this Power in holding out for these terms, it would appear almost useless to make any fresh proposals.

His Excellency said it was his intention to send a circular despatch to the Representatives of Denmark accredited to the Powers who signed the Treaty of London, refuting, on the most incontestable authority, the assertions set forth in the petitions, and explaining at length the position of Denmark towards the Duchies and the Confederation.

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No. 21.

*Lord A. Loftus to Lord J. Russell.*—(*Received May* 14.)

(Extract.) *Vienna, May* 10, 1860.

IN reply to my inquiry this day, Count Rechberg informed me that the Prussian Government had made a communication to the Imperial Government on the question of Schleswig-Holstein, inviting their co-operation with a view to induce the Danish Government to fulfil the terms of their engagement respecting Schleswig entered into 1852.

The Imperial Government, Count Rechberg stated, were perfectly willing, as proposed by the Cabinet of Berlin, to join them in a friendly communication to the Government of Denmark, calling their attention to the non-fulfilment of their promises as regards the Duchy of Schleswig, and requesting them to provide a remedy for the just complaints of the population of that Duchy, in so far as those complaints were founded on an infraction of the engagements taken by Denmark towards the German Powers by the Treaty of 1852.

Under that Treaty, said Count Rechberg, the Danish Government engaged not to incorporate Schleswig into the Monarchy, to maintain intact the separation which had always existed between Schleswig and Denmark, and not to render Schleswig Danish.

As long as the question pending between Germany and Denmark related merely to Holstein, it was a question of a merely German character; but when the question extended itself to Schleswig, it became European.

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No. 22.

*Lord Bloomfield to Lord J. Russell.*—(*Received May* 21.)

(Extract.) *Berlin, May* 19, 1860.

IN the course of a conversation which I have just had with Baron Schleinitz his Excellency mentioned his having received a communication from Copenhagen, animadverting on the late debates in the Prussian House of Representatives on the subject of Schleswig, and observed that the terms employed by the Danish Government to express their dissatisfaction at the proceedings of the Chamber, and at the language held by himself on this occasion, were not calculated to improve the relations of the two countries, for it would be impossible for him to leave the Danish despatch unanswered.

On referring to the policy of the Prussian Government on this question Baron Schleinitz said that they could never do less than hold steadily to the engagements contained in the notes of 1852, which may be said to have acquired the force of a Treaty, and that it was grievous to hear almost every day of acts committed by the Danish authorities in Schleswig, which were in absolute opposition to the spirit of the understanding entered into between Germany and Denmark, for they bore anything but the character of conciliation towards the German element in that Duchy.

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No. 23.

*Mr. Paget to Lord J. Russell.*—(*Received May* 25.)

My Lord, *Copenhagen, May* 20, 1860.

I HEAR from one of my colleagues that M. Hall addressed a despatch yesterday to the Danish Minister at Berlin, with reference to the recent discussion in the Prussian Chamber on the affairs of Schleswig.

M. Hall informed me, in an interview I had with him not long since, of his intention to do this, as it was impossible, he said, for the Danish Government to pass unnoticed the accusations of bad faith which had been made against them, or to give a tacit assent to the right of interference in Schleswig assumed by the Prussian Minister for Foreign Affairs.

While expressing to M. Hall my hope that he might be able to prove satisfactorily that the complaints against the Danish Government were unfounded, I strongly urged his Excellency to couch his observations in the most moderate language, and to say nothing which would be likely to add still further to existing complications.

I have, &c.
(Signed) A. PAGET.

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No. 24.

*M. Hall to Baron Brockdorf.*—(*Communicated to Lord J. Russell by M. de Bille, May* 31.)

M. le Baron, 16 *Mai*, 1860.

LA Chambre des Députés de Prusse s'est plû récemment à faire entrer dans le domaine de ses débats les affaires du Duché Danois de Slesvig, et à la date du 4 de ce mois elle a pris une Résolution " par laquelle en transmettant au Gouvernement du Roi les pétitions soumises à la Chambre, elle exprime la confiance que celui-ci, de concert avec ses confédéres, ne négligera rien pour procurer enfin aux Duchés de Slesvig et de Holstein la pleine jouissance de leurs droits outragés."

Si le Gouvernement du Roi a pris connaisance de ces débats avec une bien grande surprise c'est avec une véritable douleur qu'il voit l'attitude que le Cabinet Prussien a affectée dans cette occasion.

Le Gouvernement de Prusse n'a pas trouvé un seul mot pour désapprouver le ton de ce sdébats si inconvenant et si profondement blessant pour une Puissance amie et alliée, pas une seule rectification ou une simple expression de doute à l'égard des outrages à la vérité qui s'y sont produits. Bien au contraire son

organe, le Ministre des Affaires Etrangères, a formellement déclaré que le Gouvernement " partage complètement les vues qui s'énoncent dans la pétition."

Vis-à-vis des empiétements de la Chambre des Députés, le Gouvernement Prussien a laissé à l'écart des principes incontestables du droit des gens Européen et les actes formels, provoqués par la Prusse elle-même, par lesquels l'Allemagne, il y a quelques années, avait pleinement reconnu qu'il n'existe entre la Confédération et le Duché de Slesvig aucune relation soit politique soit internationale.

Loin de là, le Ministre des Affaires Etrangères, au nom du Gouvernement, a accueilli avec faveur une Résolution établie sur des appréciations toutes contraires, et il n'a pas même hésité à proclamer hautement la fidélité " éprouvée et jamais violée " envers le Souverain légitime de sujets qui—nous regrettons d'être obligés de le rappeler—ont manqué à leur foi jurée et se sont soulevés en révolte ouverte contre leur Prince.

L'usurpation de l'Assemblée n'est pas atténuée par la circonstance que la Résolution embrasse également le Holstein, attendu que les rapports de la Confédération avec ce Duché ne sauraient entraîner aucun droit à s'ingérer dans les affaires d'une autre partie quelconque de l'indépendante Monarchie Danoise. Et même pour ce qui est du Duché de Holstein, le Gouvernement Danois ne peut voir dans la Résolution qu'une anticipation de délibérations encore pendantes à la Diète de Francfort ; anticipation d'autant plus déplorable qu'elle ne pourra que trop facilement avoir pour conséquence de compromettre le succès des discussions que le Gouvernement s'est proposé de provoquer avec les Etats Holsteinois sur la position définitive à donner au Duché dans la Monarchie.

C'est contre cette conduite de la Chambre des Députés Prussienne, et en particulier contre l'attitude du Gouvernement du Roi de Prusse, que le Gouvernement de Sa Majesté tient à faire toutes ses réserves. Il proteste hautement contre l'immixtion dans les affaires intérieures d'une partie de la Monarchie Danoise qui se trouve en dehors de l'action du droit Fédéral, et il signale dès-à-présent l'influence funeste que l'anticipation des discussions pendantes au sein de la Diète de Francfort au sujet de la position constitutionnelle du Holstein pourra exercer sur l'issue de cette question.

Je vous invite, M. le Baron, à donner lecture et à laisser copie de cette dépêche au Ministre des Affaires Etrangères.

J'ai, &c.
(Signé) C. HALL.

(Translation.)

M. le Baron, *May* 16, 1860.

THE Prussian Chamber of Deputies has recently been pleased to bring within the province of its debates the affairs of the Danish Duchy of Schleswig, and on the 4th of this month it passed a Resolution " by which, in transmitting to the King's Government the petitions submitted to the Chamber, it expresses the confidence that that Government, in concert with its confederates, will neglect nothing in order to obtain at last for the Duchies of Schleswig and Holstein the full enjoyment of their outraged rights."

If the King's Government have taken cognizance of these debates with very great surprise, it is with a very just regret that it sees the attitude which the Prussian Cabinet has assumed on this occasion.

The Prussian Government has not expressed one single word in disapproval of the tone of these debates, so disagreeable and so hurtful to a friendly and allied Power, either by a single contradiction or a simple expression of doubt in regard to the outrages to truth which are there brought forward. Quite on the contrary, its organ the Minister for Foreign Affairs has formally declared that the Government " shares completely the views which are set forth in the petition."

In face of these encroachments of the Chamber of Deputies, the Prussian Government has put aside the incontestable principles of the law of European nations and the formal acts, initiated by Prussia herself, by which Germany, some years ago, had plainly recognised that there does not exist between the Confederation and the Duchy of Schleswig any relation, either political or international.

Far from this, the Minister of Foreign Affairs, in the name of the Government, has entertained with favour a Resolution established upon altogether contrary estimations, and he has not hesitated to proclaim loudly the fidelity, " proved and never violated," towards the legitimate Sovereign of subjects who,

we regret to be obliged to repeat it, have been found wanting to their sworn faith, and have stirred themselves up in open revolt against their Prince.

The usurpation of the Assembly is not lessened by the circumstance that the Resolution also embraces Holstein, for the relations of the Confederation with that Duchy can give it no right to interfere in the affairs of any other part of the independent Danish Monarchy, and even in what concerns the Duchy of Holstein the Danish Government can only see in the Resolution an anticipation of the deliberations still pending at the Frankfort Diet, an anticipation the more to be deplored that it is too likely to have the effect of compromising the success of the discussions which the Government proposes to enter into with the Holstein States on the definitive position to be given to the Duchy in the Monarchy.

It is against this proceeding of the Prussian Chamber of Deputies, and particularly against the attitude of the King of Prussia's Government, that His Majesty's Government wishes to make every reservation. They protest loudly against an interference in the internal affairs of a part of the Danish Monarchy which is out of the power of the Federal Law, and they point out, beforehand, the fatal influence which the anticipation of the discussions pending in the Frankfort Diet on the subject of the constitutional position of Holstein may have on the issue of this question.

I request you, M. le Baron, to read and give a copy of this despatch to the Minister for Foreign Affairs.

I have, &c.
(Signed) C. HALL.

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No. 25.

*Mr. Howard to Lord J. Russell.—(Received June* 4.)

(Extract.) *Hanover, June* 1, 1860.

BARON SCHEELE, the Danish Chargé d'Affaires, who has his permanent residence at Hamburgh, but who came here in order to assist at the celebration of the King of Hanover's birthday, has taken the opportunity which has thus presented itself of communicating to Count Platen the despatch addressed by his Government, on the 16th ultimo, to the Danish Minister at Berlin, protesting against the attitude assumed by Baron Schleinitz in the recent discussions in the Prussian Chamber of Deputies relative to the affairs of Schleswig, and against all interference in the internal concerns of that part of the Danish Monarchy not subject to the action of the Federal law.

Count Platen expressed, on this occasion, his regret that the Prussian Chamber of Deputies should have occupied itself with the question of Schleswig, which was a European and not a German one, but pointed out at the same time to Baron Scheele how little in harmony with the spirit of the times was the treatment by the Danish Government of that Duchy, and how much an alteration in it would contribute to the satisfactory settlement of pending questions. Count Platen endeavoured, at the same, to impress upon M. de Scheele how important it was for the interest of Denmark to come to an arrangement with Germany relative to the German Duchies of Holstein and Lauenburg, and remarked that the period, viz., at the beginning of next year, when the Danish Government meant to submit to the States of Holstein their proposals for a final settlement of the general constitution of the kingdom, appeared to him to be somewhat remote.

I may add that in my communications with Baron Scheele, I strongly pressed upon him the expediency of his Government abandoning the system of repression which is now pursued in Schleswig with such evil consequences, and which forms so great a contrast to the liberty enjoyed in Denmark Proper, and trying the effect of conciliatory measures.

I observed that even if the promises which the King of Denmark had made in his Patent of the 28th of January, 1852, to grant to the German and Danish nationalities in Schleswig equal rights and protection, did not give the German Confederation the right of interference in the affairs of that Duchy, His Majesty had not the less the moral obligation of carrying them out.

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## No. 26.

*Mr. Lowther to Lord J. Russell.*—(*Received June* 4.)

(Extract.) *Berlin, June* 2, 1860.

WITH reference to Lord Bloomfield's despatch to your Lordship dated the 19th May, relative to a communication received by Baron Schleinitz, from Copenhagen, animadverting on a debate in the Prussian House of Representatives on the subject of Schleswig, I have the honour to state that the Prussian Government has sent an answer to that communication asserting their right to a free discussion of the matter, and refuting generally all the Danish arguments.

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## No. 27.

*Baron Schleinitz to M. de Balan.*—(*Communicated to Lord J. Russell by Count Bernstorff, June* 6.)

Monsieur, *Berlin, ce* 29 *Mai*, 1860.

LES débats provoqués récemment dans notre Chambre des Députés par quelques pétitions relatives au Duché de Slesvig ont engagé le Cabinet Danois à adresser à son Représentant près notre Cour une depêche que M. le Baron de Brockdorff, d'ordre de son Gouvernement, après m'en avoir donné lecture, a laissée entre mes mains, et dont j'ai l'honneur de vous transmettre ci-jointe une copie.*

En parcourant cette pièce, vous comprendrez, Monsieur, et vous partagerez sans doute tout l'étonnement que nous a dû causer une démarche aussi insolite et aussi peu justifiée par les circonstances qui y ont donné lieu.

D'abord il nous serait peut-être permis de demander de quel droit M. Hall croit pouvoir censurer les discussions Parlementaires d'un pays étranger, qui doivent conserver nécessairement un caractère purement domestique aussi longtemps qu'aucun acte extérieur et diplomatique n'est venu leur donner une suite pratique. Comme Ministre d'un Etat Constitutionnel M. Hall devrait être le premier à rendre hommage à un principe inséparable de la liberté de discussion qui forme un des droits fondamentaux de toute Assemblée Représentative. Par suite du même principe le ton des débats Parlementaires chez nous comme en Danemark ne saurait être soumis à aucun autre contrôle que celui dont l'exercice, d'après les dispositions du réglement, fait régulièrement partie des attributions du Président de l'Assemblée. Si par conséquent le Cabinet du Prince Régent doit décliner toute responsabilité à cet égard, il lui semble étrange que le ton des débats de notre Chambre des Députés ait provoqué une plainte précisement de la part d'un Ministre qui ne peut avoir oublié les attaques violentes et assurément peu mesurées auxquelles les Gouvernements Allemands et la Confédération Germanique toute entière ont été maintes fois en butte dans les Assemblées Représentatives de son propre pays. Sans doute nous n'aurions pas demandé mieux que de pouvoir rectifier ce que M. Hall se plait d'appeler les outrages à la vérité qui, selon lui, se seraient produits dans les débats de notre Chambre des Députés. Malheureusement une telle rectification nous était d'autant plus impossible que les données que nous possédons nous-mêmes sur la situation du Slesvig ne viennent nullement infirmer les faits allégués par plusieurs Députés, de manière qu'en gardant le silence à ce sujet nous avons certainement rempli tout ce qui les égards dus à un Gouvernement voisin et ami pouvaient nous prescrire dans cette circonstance.

Mais le Gouvernement Danois adresse un reproche plus grave, en nous accusant " d'avoir laissé à l'écart des principes incontestables du droit des gens et les actes formels provoqués par la Prusse elle-même, par lesquels l'Allemagne, il y a quelques années, avait pleinement reconnu qu'il n'existe entre la Confédération et le Duché de Slesvig aucune relation, soit politique, soit internationale." Ce reproche, que nous repoussons de la manière la plus formelle, prouve, nous sommes fâchés de le dire, que M. Hall, avant de la formuler d'une manière si catégorique, n'a pas même pris la peine de lire ce que j'avais déclaré au début de la discussion, pour marquer avec précision le point de vue sous

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lequel le Gouvernement Prussien continue d'envisager cette question. Ce point de vue je l'avais en effet clairement indiqué en disant que, selon moi et en présence de la situation actuelle du Duché de Slesvig, la question qu'il s'agirait d'examiner serait celle de savoir si et jusqu'à quel point l'état de choses existant dans ce Duché était ou non conforme à ce que l'Allemagne, en vertu des arrangements convenus avec le Danemark en 1852, était en droit d'exiger en faveur du dit Duché. Eh bien, Monsieur, il me semble qu'il n'est guère possible de s'exprimer d'une manière plus correcte, plus conforme aux Traités et par conséquent au droit international, et plus mésurée enfin, que je ne l'ai fait en prononçant les paroles qui précèdent. La Résolution adoptée par la Chambre à l'unanimité des voix avait pour but d'exprimer le vœu de voir enfin les Duchés entrer dans la pleine jouissance de leurs droits violés. Or, comment le Gouvernement Prussien aurait-il pu s'opposer à l'adoption d'une pareille Résolution, puisqu'il n'est que trop notoire que ces droits, et je ne parle ici que de ceux consacrés par les arrangements de 1852, continuent en effet de leur être constamment refusés?

Je suis tout-à-fait d'accord avec M. Hall, que la Confédération Germanique aussi peu que tout autre Gouvernement n'a en principe le droit de s'ingérer dans les affaires intérieures de "l'indépendante Monarchie Danoise," et par conséquent non plus dans celles du Duché de Slesvig. Mais est-ce à dire que, parce que les dispositions du pacte Fédéral Allemand ne sauraient s'appliquer à ce dernier pays, la Confédération Germanique n'ait pas le droit de demander que les engagements internationaux dont le Danemark s'est chargé envers elle par rapport au Slesvig restent à tout jamais sans aucun effet? que le Danemark, parce que le Duché de Slesvig ne fait pas partie du corps Germanique, soit libre de remplir ou de ne pas remplir les stipulations survenues entre lui et la Confédération relativement au Duché de Slesvig?

Je doute que M. Hall, ainsi que le contenu de sa dépêche pourrait le faire croire, ait en effet voulu établir ou soutenir une thèse aussi monstrueuse et aussi contraire aux premières notions du droit public.

C'est à tort aussi que M. Hall voit dans la Résolution de notre Chambre des Députés une anticipation des délibérations encore pendantes à la Diète de Francfort. Je lui ferai observer à ce sujet d'abord que l'affaire du Slesvig n'a pu encore être portée devant la Diète Germanique, et ensuite que le Gouvernement Prussien a expressément déclaré par mon organe devant la Chambre des Représentants, qu'il n'entendait nullement et d'aucune façon préjuger les déterminations futures de la Diète Fédérale.

Si M. Hall me reproche enfin d'avoir hautement proclamé la fidélité "éprouvée et jamais violée" des sujets Allemands du Roi de Danemark, je ne puis sans doute pas contester au Gouvernement Danois le droit d'envisager la conduite des Duchés sous un point de vue qui diffère essentiellement du nôtre, mais je défie M. Hall, et qui que ce soit, de citer un fait qui soit de nature à prouver que même au plus fort de la lutte les droits sacrés du Prince légitime aient jamais été méconnus ou mis en question seulement par les populations de ses Duchés Allemands.

D'après ce qui précède, les réserves et la protestation par lesquelles M. Hall termine sa dépêche n'ont, à nos yeux, aucune raison d'être, et nous les considérons comme nulles et non avenues, tout en regrettant vivement que le Cabinet Danois ait cru devoir les formuler et nous ait mis par là dans la nécessite d'entrer dans une polémique à laquelle, dans l'intérêt de nos bons rapport avec le Danemark, auxquels, pour notre part, nous attachons un bien haut prix, nous aurions infiniment préféré de pouvoir renoncer.

Je vous invite, Monsieur, à vouloir bien donner lecture et remettre copie de la présente dépêche à M. le Ministre des Affaires Etrangères de Sa Majesté Danois.

Recevez, &c.
(Signé) SCHLEINITZ.

(Translation.)

Sir, *Berlin, May* 29, 1860.

THE discussions recently raised in our Chamber of Deputies by certain petitions relating to the Duchy of Schleswig have led the Danish Cabinet to address to their Representative at this Court a despatch, which Baron Brockdorff

has by the direction of his Government read to me, and left in my hands, and of which I have the honour to transmit to you herewith a copy.*

In reading this paper you will understand, Sir, and you will doubtless share the astonishment which a style so unusual, and so little justified by the circumstances which have given rise to it, must have caused us.

In the first place we might, perhaps, ask by what right M. Hall thinks himself at liberty to censure the Parliamentary proceedings of a foreign country, which should necessarily preserve a purely domestic character, so long as no external or diplomatic act shall have given them a practical effect. As Minister of a Constitutional State M. Hall ought to be the first to recognise a principle inseparable from the liberty of discussion, which is one of the fundamental rights of all Representative Assemblies. On the same principle the tone of Parliamentary debates here, as in Denmark, could by no means be subjected to any control other than that which, according to the rules, form a regular part of the duties of the President of the Assembly.

If, therefore, the Cabinet of the Prince Regent must decline all responsibility in this respect, it seems strange to them that the tone of the debates in our Chamber of Deputies should have provoked a complaint, especially on the part of a Minister who cannot have forgotten the violent and unmeasured attacks to which the German Government and the whole Germanic Confederation have been constantly exposed in the Representative Assemblies of his own country. We should undoubtedly have been too happy to rectify what M. Hall is pleased to call the outrages against truth which, according to him, have been uttered in our Chamber of Deputies. Unfortunately it was the more impossible for us to do so, because the information which we ourselves possess as to the position of Schleswig by no means invalidates the facts alleged by several of the Deputies, so that in maintaining silence on the subject we have certainly done everything which the consideration due to a neighbouring and friendly Government could require of us in those circumstances.

But the Danish Government brings a graver charge in accusing us of "having put aside incontestable principles of the Law of Nations and the formal acts initiated by Prussia herself, by which Germany some years since had fully recognised that there does not exist between the Confederation and the Duchy of Schleswig any relation either political or international." This charge, which we deny in the most formal manner, proves, we are grieved to say, that M. Hall did not before stating it in so categorical a manner, even take the trouble to read what I had declared at the opening of the discussion in order to mark out with precision the light in which the Prussian Government continues to look upon this question. I had in fact clearly pointed out their views by saying that, in my opinion and in the present state of the Duchy of Schleswig, the question which ought to be examined was, whether, and to what extent, the state of things existing in the Duchy was or was not in accordance with that which Germany, by virtue of the arrangements concluded with Denmark in 1852, had a right to demand in favour of the said Duchy.

Well, Sir, it appears to me that it is hardly possible to express oneself more correctly, more in accordance with Treaties, and consequently with international law, or with more moderation, than I did in pronouncing the foregoing words. The Resolution unanimously adopted by the Chamber was intended to express the desire of at length seeing the Duchies enter upon the full enjoyment of their violated rights. How, then, could the Prussian Government have offered the adoption of such a Resolution, since it is but too notorious that their rights,—and I am now speaking only of those which were consecrated by the arrangements of 1852,—are still withheld from them?

I entirely agree with M. Hall, that the German Confederation has, no more than any other Government, the right of interfering in the internal affairs of the "independent Danish Monarchy," and consequently not in those of the Duchy of Schleswig. But can it be said that, because the arrangement of the German Federal Law cannot be applied to the latter country, the Germanic Confederation has no right to demand that the international engagements respecting Schleswig, which Denmark has contracted with the Confederation, should not for ever remain without effect? that Denmark, because the Duchy of Schleswig does not form part of the Germanic body, should be free to fulfil or not to fulfil

* No. 24.

the stipulations existing between her and the Confederation respecting the Duchy of Schleswig?

I doubt M. Hall's having, as the contents of his despatch might lead one to believe, desired to lay down or maintain a proposition so monstrous, and so contrary to the first notions of international law.

M. Hall is in the wrong, too, when he sees in the Resolution of our Chamber of Deputies an anticipation of the deliberations still pending in the Diet of Frankfort. On this point I will first observe that the question of Schleswig has not yet been brought before the Germanic Diet, and next, that the Prussian Government has expressly declared by my voice before the Chamber of Representatives, that there is no intention whatever of prejudging the future decisions of the Federal Diet.

If M. Hall reproaches me, finally, with having loudly proclaimed the "proved and never violated" fidelity of the German subjects of the King of Denmark, I cannot undoubtedly dispute the right of the Danish Government to take a view essentially different from ours of the conduct of the Duchies, but I defy M. Hall or any one else to cite one fact which would be of a nature to prove that, even at the height of the contest, the sacred rights of the legitimate Prince have ever been ignored or even questioned by the populations of his German Duchies.

In accordance with the above, the reservations and the protest with which M. Hall ends his despatch have, in our eyes, no reason to be made, and we consider them as null and of no effect, deeply regretting at the same time that the Danish Cabinet should have thought fit to make them, and should thereby have made it necessary for us to enter into a discussion which, in the interest of our friendly relations with Denmark, to which we, for our part, attach a very high value, we should have infinitely preferred to have been able to abstain from.

I request you, Sir, to be good enough to read and give a copy of this despatch to the Minister for Foreign Affairs of His Danish Majesty.

I have, &c.

(Signed) SCHLEINITZ.

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No. 28.

*Memorandum communicated to Lord J. Russell by Count Bernstorff, June* 11, 1860.

LE Gouvernement Prussien admet parfaitement que pour ce qui concerne le Slesvig la position du Gouvernement Danois envers la Confédération Germanique est autre que par rapport aux parties de la Monarchie Danoise qui appartiennent au territoire Fédéral; mais en même temps il est incontestable que le Danemark a pris aussi à l'égard du Slesvig des engagements positifs et internationaux envers la Confédération, et que ces engagements n'ont pas été remplis jusqu'ici.

Dans les négociations des années 1851 et 1852 le Danemark a donné l'assurance positive—

1. De ne pas incorporer le Duché de Slesvig dans le Royaume de Danemark, ni de faire aucune démarche tendante à ce but, mais au contraire d'accorder aussi à ce pays une position indépendante et égale à celle des autres parties de la Monarchie dans la constitution générale; et il a promis—

2. D'accorder à la nationalité Allemande dans le Slesvig les mêmes droits et la même protection qu'à la nationalité Danoise.

Ad 1. L'état constitutionnel de ce Duché ressemble dans tous les cas beaucoup à une incorporation, et l'organisation de la constitution générale est toujours encore inachevée.

Ad 2. Le système de l'oppression violente de la langue Allemande dans l'église et les écoles y est notoire.

Tandis que dans le Royaume la liberté de la presse et le droit d'association et de pétition existent dans l'étendue la plus absolue, ces droits sont opprimés violemment et d'une manière si dure en Slesvig qu'il ne peut être le moins du monde question d'une égalité à cet égard entre les deux parties de la Monarchie. Les habitants de la partie Allemande du Slesvig sont entièrement soumis à l'arbitraire administratif d'autorités qui s'efforcent d'agir dans un sens spécifique-

ment Danois. Les pétitions qui ont été adressées à la dernière Assemblée des Etats du Slesvig contre cette oppression ont été punies par la persécution, l'incarcération, et d'autres peines infligées à leurs auteurs.

Abstraction faite du droit que la Confédération Germanique a acquis, par des engagements internationaux, de s'opposer à ce système d'oppression, tous les Gouvernements amis doivent désirer qu'il cesse, et l'Angleterre en particulier agirait, on le pense, non seulement dans son propre intérêt et conformément à ses principes, mais elle acquerrait un grand mérite et préviendrait des conflits menaçants, si elle voulait employer tout le poids de son influence auprès du Gouvernement Danois pour l'engager à changer de système envers le Slesvig.

*Londres, Juin* 1860.

(Translation.)

THE Prussian Government perfectly admits that, as far as concerns Schleswig, the position of the Danish Government towards the Germanic Confederation is other than with respect to the parts of the Danish Monarchy which belong to the Federal territory, but at the same time it is indisputable that Denmark has entered into positive and international engagements towards the Confederation with regard to Schleswig, and that these engagements have not been hitherto fulfilled.

In the negotiations of the years 1851 and 1852, Denmark gave positive assurances—

1. Not to incorporate the Duchy of Schleswig in the Kingdom of Denmark, nor to take any step tending to this object, but on the contrary, to grant to that country also an independent position, equal to that of the other parts of the Monarchy in the general Constitution; and she promised,

2. To grant to the German nationality in Schleswig the same rights and the same protection as to the Danish nationality.

Ad 1. The Constitutional state of this Duchy certainly much resembles an incorporation, and the organisation of a general Constitution is still unaccomplished.

Ad 2. The system of violent suppression of the German tongue in the church and schools there is notorious.

Whilst in the kingdom the liberty of the press and the right of association and petition exist to the greatest extent, these rights are violently suppressed in Schleswig, and in so harsh a manner that there cannot be the least question in the world as to an equality in this respect between the two parts of the Monarchy. The inhabitants of the German part of Schleswig are entirely subjected to the arbitrary administration of authorities who take pains to act in a sense specifically Danish. The petitions which have been addressed to the last Assembly of the States of Schleswig against this oppression have been punished by prosecution, incarceration, and other penalties inflicted on their authors.

Apart from the right which the Germanic Confederation has acquired, by international engagements, to oppose this system of oppression, all friendly Governments must desire that it should cease, and England in particular would, it is thought, not only act according to her own interest, and in conformity with her principles, but she would acquire great merit, and would prevent menacing conflicts, if she would employ all the weight of her influence with the Danish Government to engage it to change its system towards Schleswig.

*London, June* 1860.

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No. 29.

*Baron Manderström to Count Platen.*—(*Communicated to Lord J. Russell by Count Platen, June* 14.)

M. le Comte, *Stockholm, le* 29 *Mai*, 1860.

IL nous est connu que le Gouvernement Danois a fixé l'attention de celui de Sa Majesté Britannique sur la discussion qui a eu lieu dernièrement dans les Chambres Prussiennes à l'égard des relations entre le Danemark et l'Allemagne, et surtout sur la manière dont M. le Ministre des Affaires Etrangères de Prusse

s'est exprimé relativement aux prétendus droits de l'Allemagne de régler les conditions administratives du Duché de Slesvig. Le Gouvernement Danois ayant sans doute avec fermeté, quoiqu'avec modération, protesté contre ces prétentions injustifiables, je n'ai donc point à entrer dans le fond de la question, examiné d'ailleurs bien des fois dans des communications faites d'ici à la Mission du Roi à Londres pendant le cours de plus de quatorze ans qu'a duré cette divergence entre le Danemark et la Confédération Germanique.

Il me suffit donc de constater ici, et de vous engager, M. le Comte, à bien clairement expliquer au Gouvernement Britannique que les opinions et les sentiments du Roi Charles XV à l'égard de cette affaire sont toujours les mêmes que ceux qu'avait manifestés son père, et que Sa Majesté est décidé à suivre la politique que lui a tracée son auguste prédécesseur. Je dois donc par ordre spécial du Roi vous inviter, M. le Comte, à appuyer chaudement auprès du Gouvernement de Sa Majesté Britannique toute démarche du Cabinet de Copenhague, faite dans le but de s'affranchir des empiètements et des projets d'agrandissement de la part des Puissances Allemandes Confédérées.

Pour guider votre langage à cet égard, je n'ai qu'à me référer à ma dépêche du Octobre, 1858. La situation est toujours à peu près la même, seulement elle s'est aggravée encore par les prétentions ouvertement proclamées de la Prusse et de l'Allemagne sur le Slesvig. Je ne puis que vous répéter ce que je disais alors. Le Duché est et doit être considéré comme absolument en dehors de la compétence de la Confédération Germanique. Toute immixtion en ce qui concerne les affaires intérieures de ce Duché constitue à notre avis une intervention indue d'une Puissance étrangère contraire non seulement aux droits des gens, mais aussi aux intérêts les plus sacrés du Nord de l'Europe.

Nous ne saurions admettre plus que nous ne l'avons fait dès l'origine de ce dissentiment, une guerre de conquête de la part de l'Allemagne, et nous sommes toujours fondés à croire que la grande Bretagne ne regarderait point une pareille éventualité d'un œil indifférent. Le maintien de l'intégrité de la Monarchie Danoise, garantie par les plus grandes Puissances de l'Europe, et formant l'un des principaux éléments de l'équilibre Européen, ne saurait être mis en jeu sans que nous en soyons vivement et sensiblement affectés. Je vous ai déjà indiqué les déterminations serieuses qu'une pareille éventualité pourrait nous inspirer. Loin de la désirer, nous faisons les vœux les plus sincères pour qu'elle puisse être écarté, et que nos bonnes relations avec l'Allemagne puissent être maintenus.

Afin de parvenir à ce résultat si éminemment désirable, nous croyons devoir faire encore une fois un appel au Gouvernement de Sa Majesté Britannique dans le but de fixer son attention sur l'opportunité et même l'urgence de chercher à éloigner les dangers qui menacent de nouveau le Nord, en usant de son influence sur les Puissances concernées, et en premier lieu sur la Prusse, pour l'engager à ne point persévérer dans une voie qui ne pourrait que devenir funeste. Je vous prie, M. le Comte, de vouloir bien vous en ouvrir à Lord John Russell en lui exprimant les sérieuses appréhensions du Gouvernement du Roi, auxquelles nous nous flattons que le Gouvernement Britannique ne sera point insensible. Vous pouvez d'ailleurs offrir l'assurance qu'en même temps nous ne cessons de conseiller au Gouvernement Danois d'user de la plus grande modération ; nous avons lieu de penser qu'il est occupé à élaborer un projet, lequel, il faut l'espérer, pourra concilier les intérêts divers, et gagner des sympathies dans les différentes provinces de la Monarchie.

Agréez, &c.
(Signé) MANDERSTROEM.

(Translation.)

M. le Comte, *Stockholm, May* 29, 1860.

IT is known to us that the Danish Government have directed the attention of that of Her Britannic Majesty to the discussion which lately took place in the Prussian Chambers on the subject of the relations between Denmark and Germany, and especially to the manner in which the Prussian Minister for Foreign Affairs expressed himself with regard to the pretended rights of Germany to regulate the administrative affairs of the Duchy of Schleswig. The Danish Government having doubtless protested with firmness, though with moderation, against these unjustifiable pretensions, I need not enter into the fundamental question, since, moreover, it has been frequently examined in the communica-

tions made from hence to the Mission of the King in London in the course of more than fourteen years, during which this divergence between Denmark and the Germanic Confederation has lasted.

I need only, then, here assert, and instruct you, M. le Comte, to explain clearly to the British Government, that the opinions and sentiments of King Charles XV with regard to this matter are still the same as those which his father had manifested, and that His Majesty is decided on following the policy which his august predecessor has traced for him. I am then, by the special order of the King, to invite you, M. le Comte, to assist warmly, with Her Majesty's Government, any proceeding of the Cabinet of Copenhagen, taken with the intention of freeing itself from the encroachments and projects of aggrandizement on the part of the Confederate German Powers.

For the guidance of your language on this subject I need only refer to my despatch of October , 1858. The situation is still the same, only it is still further aggravated by the openly proclaimed pretensions of Prussia and Germany as regards Schleswig. I can only repeat to you what I then said. The Duchy is, and should be considered, as entirely out of the competence of the Germanic Confederation. All interference with what concerns the internal affairs of this Duchy constitutes, in our opinion, an undue intervention of a foreign Power, contrary not only to the right of nations, but also to the most sacred interests of the North of Europe.

We could not allow, any more than we did at the beginning of this dissension, a war of conquest on the part of Germany, and we firmly believe that Great Britain would not view such an eventuality with an indifferent eye. The maintenance of the independence of the Danish Monarchy, guaranteed by the greatest Powers of Europe, and forming one of the principal elements of the European equilibrium, could not be risked without our being keenly and sensibly affected. I have already pointed out to you the serious determinations with which such an eventuality might inspire us. Far from desiring it, we form the most sincere wishes that it may be avoided, and that our good relations with Denmark may be maintained.

In order to arrive at this result, so eminently desirable, we think it right once more to make an appeal to Her Britannic Majesty's Government, with the object of directing their attention to the expediency and even the urgency of seeking to remove the dangers which menace the North anew, by using its influence with the Powers concerned, and in the first place with Prussia, to persuade her not to persevere in a course which cannot but become fatal. I beg you, M. le Comte, to be so good as to speak openly to Lord John Russell, explaining to him the serious apprehensions of the Government of the King, to which we flatter ourselves that the British Government will not be insensible. You may also give assurances that at the same time we do not cease advising the Danish Government to use the greatest moderation; we have reason to think that it is occupied in working out a plan which, it must be hoped, will reconcile the different interests, and gain the sympathies of the different provinces of the Monarchy.

Accept, &c.
(Signed) MANDERSTROEM.

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No. 30.

*Lord J. Russell to Mr. Jerningham.*

Sir, *Foreign Office, June* 16, 1860.

COUNT PLATEN put into my hands some days ago the despatch of which I send you a copy,* and has this day called upon me to urge upon Her Majesty's Government the views therein expressed by Baron Manderström.

I could only assure Count Platen that Her Majesty's Government were equally desirous with that of His Swedish Majesty to maintain the rights of the Danish Monarchy, to promote the settlement of the long dispute between Germany and Denmark on the subject of Schleswig, and to prevent a collision between them.

* No. 29.

Like Sweden, we have advised Denmark to show the greatest moderation and we also hope that the Danish Government may frame a plan which may conciliate the various interests concerned, and unite the sympathies of the different provinces of the Monarchy. In the meantime, however, the German Courts all concur in the complaint that the Danish Government has not kept faith with Germany in the matter of Schleswig. It appears to Her Majesty's Government that it would be very conducive to a settlement that the Danish Government should as soon as possible vindicate its past conduct, and develop the plan by which they hope to satisfy Germany, and allay the just anxieties of Europe.

On our part, Her Majesty's Government will use their utmost influence to prevent any violent or premature action on the part of Germany. It appears to them that the question admits of a pacific settlement, if proper means are used to arrive at it.

I am, &c.
(Signed) J. RUSSELL.

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No. 31.

*Mr. Paget to Lord J. Russell.*—(*Received June* 18.)

My Lord, *Copenhagen, June* 15, 1860.

I HAVE the honour to inclose to your Lordship herewith copy of a further note which has been addressed by M. Hall to the Danish Minister at Berlin relative to the discussions which took place in the Prussian Chambers on the affairs of Schleswig.

I have, &c.
(Signed) A. PAGET.

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Inclosure 1 in No. 31.

*M. Hall to Baron Brockdorff.*

M. le Baron, *Copenhague, le* 10 *Juin*, 1860.

LA dépêche ci-jointe que M. de Balan vient de me communiquer m'oblige de revenir sur la dépêche que j'ai eu l'honneur de vous adresser sous la date du 16 du mois passé.

Tout en rendant, avec M. de Schleinitz, tout l'hommage possible à la liberté de la discussion Parlementaire, je suis pourtant d'avis que cette liberté comme toute autre a ses limites, et je ne peux certainement pas reconnaître le " caractère purement domestique " de débats dont l'objet unique a été de critiquer et de blâmer les actes et l'administration intérieure du Gouvernement d'un pays étranger. Néanmoins je ne m'étais nullement proposé de censurer les discussions Parlementaires de la Chambre des Députés Prussienne. Si j'ai fait mention du ton et des tendances de ces débats, ma dépêche montre clairement, je le crois, que j'entendais uniquement faire ressortir par là l'attitude que le Gouvernement Prussien avait cru pouvoir prendre dans cette occasion, en approuvant, tantôt par son silence, tantôt en paroles expresses, les vues et les prétentions énoncées.

Je ne puis connaître, il est vrai, les données que M. le Ministre des Affaires Etrangères possède sur la situation de Slesvig—situation que de l'aveu même du Ministre, il est extrèmement difficile pour un Gouvernement étranger de constater de loin d'une manière satisfaisante. Mais quelles qu'elles soient et quel que soit d'ailleurs le point de vue sous lequel le Ministre envisage la prétention de l'Allemagne à s'ingérer dans les affaires d'une province Danoise qui n'appartient pas à la Confédération, je suis sûr que partout en Europe on aura partagé l'étonnement et compris la douleur que nous avons éprouvés à voir le Gouvernement Prussien accueillir avec une faveur si marquée cette démonstration de la Chambre contre une Puissance alliée et amie. Et ce sentiment pénible n'est pas affaibli par les expériences de notre propre histoire Parlementaire, qui loin de présenter des analogies de débats pareils montrent au contraire que dans nos Assemblées Représentatives on a toujours fait preuve d'une grande modération à parler des Etats étrangers, et on y chercherait en vain l'exemple " d'attaques violentes et peu mesurées " contre une Puissance alliée et amie.

Quant à la réalité de la question M. le Ministre a bien voulu reconnaître

que la Confédération Germanique pas plus que tout autre Gouvernement n'a en principe le droit de s'ingérer dans les affaires intérieures de l'indépendante Monarchie Danoise, et que par conséquent non plus dans celles du Duché de Slesvig. Mais en même temps il revendique pour la Diète le droit d'examiner si et jusqu'à quel point l'état de choses existant dans ce Duché est conforme à ce que l'Allemagne en vertu des arrangements convenus avec le Danemark en 1852 serait en droit d'exiger en faveur du dit Duché. Mais l'arrangement convenu en 1852 c'était l'Arrêté Fédéral du 29 Juillet, dans lequel la Diète sur l'invitation de l'Autriche et de la Prusse reconnaissait que les dispositions du règlement des affaires de la Monarchie, en tant qu'elles concernaient les affaires des Duchés de Holstein et de Lauenbourg, et en tant qu'elles relevaient d'après leur nature de l'examen et de la décision légitime de la Confédération, étaient conformes aux droits et aux lois de celle-ci. C'est là l'arrangement définitif et entier entre la Confédération et le Danemark, et il s'occupe exclusivement des deux Duchés Allemands ; par aucun mot il ne fait mention du Slesvig—et de raison !

Mais peut-être le Ministre a-t-il eu en vue les négociations antérieures de 1851. Bien qu'il ne soit certes pas permis de déduire de ces dernières ce qui ne se trouve pas dans l'Acte Final, je suivrai le Ministre même sur ce terrain. En examinant ces négociations on y trouvera à côté d'engagements formels pris au sujet du Holstein l'expression des intentions Royales relativement à la position à donner au Slesvig dans l'ensemble de la Monarchie, nommément celle de ne pas procéder à l'incorporation du Duché dans le Royaume, par conséquent de lui laisser une administration et une législation séparées pour les affaires spéciales, et de rétablir les anciens Etats exerçant l'autonomie provinciale. Mais ces intentions Royales se signalent expressément comme émanant du libre arbitre du Souverain, et c'est d'ailleurs un fait incontestable qu'elles ont trouvé une réalisation immédiate sans qu'aucun changement ait été porté plus tard à l'autonomie du Slesvig pour les affaires spéciales de ce Duché. Par conséquent lorsque le Ministre prétend qu'il n'est que trop notoire que les droits consacrés par les arrangements de 1852 continuent d'être constamment refusés au Slesvig, non seulement je dois nier cette prétendue notoriété, mais je repousse de la manière la plus formelle l'existence même du fait.

J'avais appelé l'attention sur l'influence funeste que l'attitude du Gouvernement Prussien dans cette occasion pourrait trop facilement exercer sur les délibérations encore pendantes au sujet de la position constitutionnelle du Holstein, surtout en vue des discussions que le Gouvernement s'est proposé de provoquer avec les Etats du Holstein. Sans me permettre de revoquer en doute l'attention que le Ministre a certainement bien voulû prêter a ce que j'ai écrit, je dois pourtant faire l'observation qu'il l'a singulièrement mal interprété. J'avais parlé du Holstein, et le Ministre a bien voulu me dire que l'affaire du Slesvig n'a pas encore été porté devant la Diète ; j'avais parlé des discussions prochaines des Etats du Holstein, et le Ministre me répond que le Gouvernement n'entend nullement préjuger les déterminations futures de la Confédération.

Lorsque le Ministre a cru devoir maintenir les éloges prodigués à la fidélité éprouvée et jamais violée des sujets Allemands du Roi en défiant qui que ce soit de citer un fait qui soit de nature à prouver que même au plus fort de la lutte les droits sacrés du Prince légitime aient jamais été méconnus ou mis en question seulement par les populations de ses Duchés Allemands, je n'entrerai pas dans les détails de ce sujet pénible. Une lutte armée soutenue pendant des années contre le Souverain parait être la violation la plus complète et la plus décidée des droits sacrés du Prince légitime. C'est là certes le point de vue du Gouvernement du Roi, mais je doute fort que ce soit une vue particulière à nous.

Je ne puis donc que maintenir les réserves de ma dépêche du 16 du mois passé, qui malheureusement ne se trouvent que trop justifiées par les circonstances qui y ont donné lieu. C'est à regret que je me suis vu dans la nécessité de devoir prendre ces réserves, et c'est bien malgré moi que je suis entré dans la polémique qui en a été la suite. Le Gouvernement du Roi attache un si haut prix aux bons rapports avec la Prusse, qui auront toujours un intérêt si essentiel pour le Danemark, que certainement il désire ne pas prolonger une discussion qui pourrait porter atteinte à l'heureuse entente entre les deux Gouvernements.

Veuillez, M. le Baron, faire lecture de cette dépêche au Ministre des Affaires Etrangères, et lui en laisser copie s'il le désire.

J'ai, &c.

(Signé) C. HALL.

(Translation.)

M. le Baron, *Copenhagen, June* 10, 1860.

THE inclosed despatch, which M. de Balan has just communicated to me, obliges me to recur to the despatch which I had the honour to address to you on the 16th of last month.

Whilst rendering, with M. Schleinitz, all possible homage to the liberty of parliamentary discussion, I am still of opinion that this liberty, like all others, has its limits; and I cannot certainly recognize "the purely domestic character" of debates of which the sole object has been to criticize and blame the acts and internal administration of the Government of a foreign country. Nevertheless I in no way proposed to censure the parliamentary discussions of the Prussian Chamber of Deputies. If I made mention of the tone and tendency of these debates, my despatch shows clearly, I believe, that I merely intended thereby to bring forward the attitude which the Prussian Government thought it might assume on this occasion, by approving at one time by its silence, at another by express words, the views and pretensions enunciated.

I cannot tell, it is true, the information which the Minister for Foreign Affairs possesses concerning the situation of Schleswig, a situation which, even by the confession of the Minister, it is extremely difficult for a foreign Government to ascertain from a distance in a satisfactory manner. But whatever they may be, and whatever, moreover, may be the point of view from which the Minister regards the pretension of Germany to intrude in the affairs of a Danish province which does not belong to the Confederation, I am sure that all Europe will have shared the astonishment and understood the pain which we have experienced in seeing the Prussian Government receive with favour so marked a demonstration of the Chamber against an allied and friendly Power. And this painful feeling is not weakened by the experience of our own parliamentary history, which, far from presenting analogies of such debates, shows, on the contrary, that in our Representative Assemblies proof has always been shown of great moderation in speaking of foreign States, and no example of "violent and unmeasured attacks" against an allied and friendly Power could be found in them.

As to the reality of the question, the Minister has been pleased to acknowledge that the Germanic Confederation has not, any more than any other Government, the right on principle of interfering in the affairs of the independent Danish Monarchy, nor, consequently, in those of the Duchy of Schleswig. But at the same time it claims for the Diet the right of examining if, and up to what point, the state of things existing in the Duchy is in conformity with what Germany, in virtue of the arrangements made with Denmark in 1852, has the right of exacting in favour of the said Duchy. But the arrangement made in 1852 was the Federal Decree of the 29th of July, in which the Diet, at the invitation of Austria and Prussia, recognized that the arrangements for regulating the affairs of the Monarchy, so far as they concerned the affairs of the Duchy of Holstein and Lauenburg, and so far as they were from their nature subject to the examination and the legitimate decision of the Confederation, were in conformity with the rights and laws of the latter. This is the definitive and entire arrangement between the Confederation and Denmark, and it exclusively concerns the two German Duchies; it makes no mention by a single word of Schleswig, and with reason.

But perhaps the Minister had in view the former negotiations of 1851. Although it certainly is not permitted to deduce from these last what is not found in the Final Act, I will follow the Minister even on this ground. On examining these negotiations, there will be found, side by side with the formal engagements entered into on the subject of Holstein, the expression of the Royal intentions with regard to the position of Schleswig in the whole of the Monarchy, namely, that of not proceeding to the incorporation of the Duchy in the Kingdom, and, consequently, of leaving it a separate administration and legislation for its special affairs, and of re-establishing the ancient States which exercised the provincial autonomy. But these Royal intentions are notified expressly as emanating from the free-will of the Sovereign; and it is, besides, an incontestable fact that they received an immediate realization without any change having been subsequently made in the autonomy of Schleswig in the special affairs of the Duchy. Consequently, when the Minister pretends that it is only too notorious that the rights consecrated by the arrangments of 1852

continue to be constantly refused to Schleswig, not only must I deny this pretended notoriety, but I reject in the most formal manner even the existence of the fact.

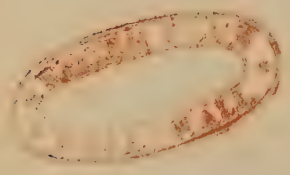
I had called attention to the fatal influence which the attitude of the Prussian Government on this occasion might too easily exercise on the deliberations still pending on the subject of the constitutional position of Holstein, especially in view of the discussions which the Government has proposed to set on foot with the States of Holstein. Without permitting myself to call in doubt the attention which the Minister has certainly been so good as to give to what I have written, I must still observe that he has interpreted me singularly ill. I had spoken of Holstein, and the Minister has been pleased to tell me that the affair of Schleswig has not yet been brought before the Diet; I spoke of the approaching discussions of the States of Holstein, and the Minister replies that the Government means in no way to prejudge the future determinations of the Confederation.

When the Minister has thought fit to support the praises lavished on the proved and never violated fidelity of the German subjects of the King by defying anybody to cite a fact which should be of a nature to prove that, even at the height of the contest, the sacred rights of the legitimate Prince have ever been ignored, or even questioned, by the populations of his German Duchies, I will not enter into the details of this painful subject. An armed contest sustained for years against the Sovereign appears to be the most complete and most decided violation of the sacred rights of the legitimate Prince. This is certainly the opinion of the Government of the King, but I much doubt whether it is an opinion peculiar to us.

I can, then, only maintain the reservations of my despatch of the 16th of last month, which are unfortunately but too well justified by the circumstances which have given rise to them. It was with regret that I found myself compelled to make these reservations, and it is much against my wish that have entered into the discussion which has been the consequence of them. The Government of the King attaches so high a price to good relations with Prussia, which will always have so essential an interest for Denmark, that it certainly does not desire to prolong a discussion which might interfere with the happy understanding between the two Governments.

Be so good, M. le Baron, as to read this despatch to the Minister for Foreign Affairs, and to leave him a copy of it he desires it.

I have, &c.
(Signed) C. HALL.



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Inclosure 2 in No. 31.

*Baron Schleinitz to M. de Balan, May* 29, 1860.

[See No. 27.]

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No. 32.

*Lord J. Russell to Mr. Paget.*

(Extract.) *Foreign Office, June* 20, 1860.

I HAVE to state that, when M. Hall shall have sent in his rejoinder to the Prussian Minister, I shall be glad to have your opinion respecting the controversy between Denmark and the Germanic Diet, and as to the ulterior views of the parties concerned.

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No. 33.

*Lord J. Russell to Mr. Paget.*

(Extract.) *Foreign Office, June* 27, 1860.

I WISH you to furnish me with a concise report on the present state of affairs in Holstein, pointing out especially how far the terms of the compact uniting that Duchy to the Germanic Confederation have been infringed; and also with a report showing clearly in what respect Denmark has failed to keep the engagement which she entered into with Austria and Prussia respecting Schleswig.

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No. 34.

*Mr. Lowther to Lord J. Russell.—(Received July* 2.)

My Lord, *Berlin, June* 30, 1860.

I HAVE the honour to inclose herewith copy of a note addressed by M. Hall on the 10th of June to the Danish Minister at this Court, which is an answer to the note of the Prussian Government of the 29th May, relative to the language held in the Prussian Chambers on the affairs of Schleswig.

I am told Baron Schleinitz intends to reply to this last note from M. Hall, merely stating that the Schleswig question had now become a subject of discussion only between the two Governments, while it is in reality a German question, at the same time expressing his wish that this may close the correspondence on the matter.

I have, &c.
(Signed) WILLIAM LOWTHER.

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Inclosure in No. 34.

*M. Hall to Baron de Brockdorff, June* 10, 1860.

[See Inclosure 1 in No. 31.]

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No. 35.

*Baron Schleinitz to M. de Balan.—(Communicated to Lord J. Russell by Count Bernstorff, July* 8.)

Monsieur, *Bade-Bade, 29 Juin,* 1860.

M. LE BARON DE BROCKDORFF a bien voulu me communiquer une dépêche que M. Hall lui a adressée en date du 10 Juin et que j'ai l'honneur de vous transmettre ci-jointe en copie.*

M. Hall dans cette dépêche a cru devoir renouveler les protestations et les réserves qu'il avait déjà formulées dans celle du 16 Mai, et à laquelle j'ai répondu par l'office que j'ai eu l'honneur de vous adresser en date du 29 Mai dernier.

Je n'ai rien à retrancher des observations que j'ai consignées dans ma dépêche précitée, ni rien à y ajouter, et il me semble qu'une discussion plus prolongée sur ce sujet ne servirait qu'à envenimer les rapports des deux pays, sans contribuer en quoi que ce soit à aplanir les difficultés qui s'opposent à une solution satisfaisante de la question dont il s'agit.

Mais puisque M. le Ministre des Affaires Etrangères a pris à tâche de prouver que le Danemarc n'a contracté aucune espèce d'engagement envers la Confédération Germanique par rapport au Duché de Slesvig, je n'ai cependant pu me dispenser d'exposer plus complétement la manière dont nous envisageons la nature et la portée des arrangements consentis à cet égard par le Gouvernement Danois et de consigner nos appréciations dans le Mémorandum Allemand que vous trouvez joint à la présente. Il servira, je n'en doute pas, à réfuter entièrement l'argumentation de M. Hall.

En me référant en général au contenu de cette pièce, je crois pourtant devoir maintenir ici plus particulièrement encore la réserve que j'ai déjà exprimée de bouche à M. le Baron de Brockdorff, lorsque cet Envoyé m'a donné lecture

* Inclosure 1 in No. 31.

de la dépêche de M. Hall du 10 de ce mois ; réserve concernant la dénomination "Province Danoise," appliqué au Duché de Slesvig, et qui, selon nous, se trouve en contradiction ouverte avec la position qui revient à ce pays de droit et en vertu de stipulations internationales.

Du reste, c'est à la Diète Fédérale qu'il appartient de préciser les droits qu'elle se croira autorisée à faire valoir en vertu des engagements pris par le Danemarc, et nous ne prétendons nullement préjuger les résolutions quelle se verra dans le cas de prendre à cet égard.

Si M. Hall fait observer dans sa dépêche du 10 Juin que les délibérations des Assemblées Législatives du Danemarc n'ont jamais présenté le spectacle d'attaques violentes et peu mesurées contre les Puissances Allemandes ou contre la Confédération Germanique, ma dépêche du 29 Mai indique assez clairement que nous n'attachons aucune importance particulière à des incidents de ce genre.

Aussi croyons-nous devoir nous abstenir de compulser les comptes-rendus des sessions parlementaires du Danemarc depuis 1850, et de signaler toutes les sorties violentes auxquelles les Puissances Allemandes se sont trouvées en butte au sein des Chambres Danoises. Je me borne à appeler l'attention de M. Hall sur les débats qui ont eu lieu dans les deux Chambres Danoises depuis l'automne 1851 jusqu'au printemps 1852, et qui fournissent de nombreux exemples à l'appui de ce que j'ai avancé à ce sujet dans ma dépêche du 29 Mai.

Je vous invite, Monsieur, à donner lecture de la présente dépêche à M. le Ministre des Affaires Etrangères et de lui en laisser copie, ainsi que du Mémorandum, s'il vous en exprimait le désir.

Agréez, &c.
(Signé) SCHLEINITZ.

(Translation.)

Sir, *Baden Baden, June* 29, 1860.

BARON DE BROCKDORFF has been so good as to communicate to me a despatch which M. Hall addressed to him dated the 10th June, and of which I have the honour to transmit to you a copy inclosed.*

M. Hall in this despatch has thought fit to renew the protests and reservations which he had already put forward in that of the 16th May, and to which I replied by the communication which I had the honour to address to you under date of the 29th May last.

I have nothing to diminish from and nothing to add to the observations which I recorded in my beforementioned despatch, and it seems to me that a more prolonged discussion on the subject would only envenom the relations of the two countries without in any way contributing to smooth the difficulties which hinder a satisfactory solution of the question which is in debate.

But since the Minister for Foreign Affairs has undertaken the task of showing that Denmark has contracted no sort of engagement towards the Germanic Confederation as regards the Duchy of Schleswig, I could not refrain from explaining more fully the way in which we regard the nature and bearing of the arrangements consented to on this point by the Danish Government, and from stating our ideas in the German Memorandum which you will find herewith inclosed. It will serve, I do not doubt, entirely to refute M. Hall's reasoning.

Whilst referring generally to the contents of this document, I must, nevertheless maintain here still more particularly the reservation which I have already verbally expressed to Baron de Brockdorff, when that Envoy read to me the despatch of M. Hall of the 10th of this month, a reservation concerning the denomination "Danish Provinces" applied to the Duchy of Schleswig, and which in our opinion is in open contradiction to the position which accrues to that country by right and in virtue of international stipulations.

For the rest, it is to the Federal Diet that it belongs to state precisely the rights which it may consider itself authorised to enforce in virtue of the engagements entered into by Denmark, and we in no way pretend to prejudge the resolutions which it may see fit to take on this subject.

If M. Hall observes in his despatch of the 10th June that the deliberations of the Legislative Assemblies of Denmark have never presented the spectacle of

* Inclosure 1 in No. 31.

violent and unmeasured attacks against German Powers or against the Germanic Confederation, my despatch of the 29th May shows clearly enough that we attach no particular importance to incidents of this nature.

We, therefore, think that we should abstain from ransacking the public reports of the Parliamentary sessions of Denmark since 1850, and from pointing out all the violent attacks of which the German Powers have been the object in the Danish Chamber. I confine myself to calling the attention of M. Hall to the debates which took place in the two Danish Chambers from the autumn of 1851 to the spring of 1852, and which furnish numerous examples in support of what I asserted on this subject in my despatch of the 29th May.

I instruct you, Monsieur, to read the present despatch to the Minister for Foreign Affairs, and to leave him a copy of it, as well as of the Memorandum, if he expresses a desire for it.

Accept, &c.
(Signed) SCHLEINITZ.

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Inclosure in No. 35.

*Memorandum.*

(Translation.)

THE Danish Minister for Foreign Affairs, in his despatch to Baron Brockdorff of the 10th June instant, advanced the following assertion:—that Denmark, in the negotiations of 1851 and 1852, contracted no obligations towards the German Confederation in regard to Schleswig.

The correspondence which took place in the months of December 1851 and January 1852, between Copenhagen, Vienna, and Berlin, indisputably prove the contrary.

His Majesty the King of Denmark, on the ground of Article IV of the Treaty of Peace of the 2nd July, 1850, had sought the intervention of the German Confederation in order again to be put in possession of the Duchy of Holstein. By that very provision, as well as by Article XXVII of the Final Act of Vienna of the 15th May, 1820, this was dependent on the King's making known to the Confederation the measures to be adopted for the pacification of the country.

A first explanation which the Danish Government had given, on the 26th August, 1851, to the Courts of Berlin and Vienna, who were empowered by the Confederation for this matter, was considered by them insufficient for proceeding thereupon to re-establish the authority of the Sovereign.

Upon this the despatch of the Copenhagen Cabinet of the 6th December, 1851, was written. This document stated that legal guarantees for the adoption of future measures could not be demanded by Germany, nor ought they to be given by Denmark. But if the desire of the King were gratified by restoring the full sovereign authority, it might, indeed, be possible for him at a future time, which it was to be hoped would not be distant, to strengthen the moral guarantees which constituted the foundation of the internal and external peace of the Monarchy. But such guarantees, by their essence and nature, could only be given of his own accord.

To this end the intentions of the King were more particularly developed in a separate annex of the despatch No. 2, confidentially, with the addition that the King would not fail to carry them out eventually. These intentions were drawn up in definite items; they are of interest here only so far as they relate to Schleswig. It was said in this document:

"First. If, by consideration for the advice and wish of his high allies, His Majesty resolves to govern not only the Duchy of Holstein, but that of Schleswig also, for the present, as absolute King, with the co-operation of the deliberative Provincial States, this resolution, which as regards the Duchy of Schleswig is taken solely of his own perfect free power, by no means infers the intention of re-introducing the Provincial-States institution into the Kingdom of Denmark, setting aside the fundamental law adopted for the latter, and now in force; but with the object in view to introduce in a legal and constitutional way (that is to say, through the deliberative Provincial States of each of those Duchies for itself, and in reference to the Kingdom by the Resolutions of the Diet, and in regard to Lauenburg with the co-operation of the Ritterschaft and Landschaft), an organic

and homogeneous constitutional union of all the parts of the country in one whole Monarchy.

"Secondly, As, on the one hand, the King has already promised, he now further declares, that no incorporation of the Duchy of Schleswig with the Kingdom shall exist, nor shall any steps be adopted with this view; so, on the other hand, His Majesty cannot agree to anything by which either an amalgamation of Schleswig and Holstein should now take place, or be eventually introduced, or generally any other or closer connection of these Duchies with each other, or between either of them and the Kingdom of Denmark, &c."

Under No. 3, it is then further said that the above principle is not opposed to the continuance of such connection between the two Duchies as might subsist between border lands having fundamentally similar territorial conditions, and with people under analogous circumstances in respect of their means of living, either such as is based upon the non-political institutions which appertain to both parts of the country, or such as affect the common social circumstances of certain classes.

Under No. 4, it is further expressed as a necessary requisition that the Federal Diet should abstain from setting up any jurisdiction ("competenzbegründung") in or referring to the Danish Crownland of Schleswig.

On this occasion, however, the German Powers did not assent to the position taken up by the Danish Government, according to which the latter repudiated every obligatory promise.

In the reply sent from Vienna on the 26th December, 1851, to Copenhagen, it is said very definitely, "that with a view to hastening the winding up of this affair, we do not hesitate to declare, in regard to the intentions of His Majesty the King, now communicated to us, that on our side we cannot do this, except on the supposition that we have before us a declaration considered binding by its author, and therefore secured as to its execution.

"Satisfied, as we are, that the solution of the still-remaining difficulties cannot continue long unaccomplished when once a material agreement upon the steps to be taken in relation hereto by the Danish Government shall have been entered into between the latter and the German Powers, we could hardly feel really any anxiety that in such a favourable case the Danish Government would hesitate to secure the actual execution of this step by a definite promise." The reply goes on to say, "After having, then, once more stated our point of view upon the whole question, we are glad to be able now to pronounce that we certainly perceive in the tenor of those resolutions a conciliatory accommodation of opposing views, such as is suited to the altered state of things.

"The statement which follows, taking, point by point, the Annex 2 to the Danish despatch, explains the reasons for our assent, as also the expectations we entertained of a corresponding execution of the same.

In the annex of the despatch quoted, it is said:—

1. "The Imperial Court sees with satisfaction the resolve of His Majesty the King of Denmark again to put in action the Provincial-States Institutions *de jure* subsisting, not only in the Duchy of Holstein, but in that of Schleswig also; and if His Majesty at once make known this intention, legally and constitutionally, that is to say, after consultation with the Provincial States of the said Duchies, to introduce an organic and identical constitutional union of all the parts of the country to one entire Monarchy, the Imperial Court can only look upon this intention of the King, as directed to the fulfilment of an act which cannot be refused, &c.

"But His Majesty the Emperor, sincerely desirous of seeing the tranquillity and prosperity of the Danish Kingdom as soon as possible augmented by a definitive organization adapted to its requirements, confidently cherishes the hope that the Danish Government, by its efforts directed to this important end, will not show an exclusive preference to such institutions as have been conferred in recent years upon the Kingdom of Denmark Proper, but that it will have in view therewith, as the only safe guide, the permanent circumstances of the whole Monarchy, and the object of internally advancing its union to a whole. Once satisfied upon this point, His Majesty will not delay to participate with other friendly Powers in strengthening this union by internationally securing a common succession in all parts of the Monarchy.

"2. In the declaration of His Majesty the King of Denmark that there hould be no incorporation of the Duchy of Schleswig with the kingdom, nor

should any measure tending thereto be adopted, the Imperial Court sees with satisfaction a fresh confirmation of that promise which had already been given by the late King Christian VIII to his subjects, and subsequently renewed by the now reigning King immediately after the Treaty of Peace of the 2nd July, 1850, in the Proclamation of the 14th day of that month; this, in accordance with Article IV of the aforesaid Treaty of Peace, was communicated to the German Confederation as a resolution taken by the King for the pacification of the country."

In the further course of this document the Imperial Government fully acknowledges the competence of the King to annul the former union between Schleswig and Holstein as relates to administration and justice, and also this principle—that the authority of the Federal law, and, therefore, also the competence of the Confederation, which arises from that alone, cannot have any force over a land not appertaining to the Confederation, and consequently not over Schleswig.

Finally, a confident expectation is expressed, "that the King, as in the question of the future organization of the Monarchy, so also in the provisional conduct of the business of the State, will know how to maintain with equal care, by suitable provisions, the proper position of the different parts of the country, as members of a whole, in which no one part is subordinate to another."

With reference to these explanatory remarks the Vienna despatch of the 26th December, 1851, then continues:—

"If now the Danish Government should find itself induced to acknowledge as its own that meaning of its programme which we have set down in the present despatch and in the annex to the same, if it would secure to us at once, in the binding form of a declaration made at the command of His Majesty the King, the actual fulfilment of the intentions which it has hitherto officially communicated to us only as a possible contingency, and if it would also direct its action thereto, so far as occasion is now afforded, we might confidently rely upon a speedy conciliatory termination of the differences hitherto subsisting between the different parts of the Danish Monarchy, as also between these and the German Confederation. We would lay aside the mandate by which we, in common with Prussia, represent the German Confederation in this matter, and with the evacuation of Holstein at the same time, and the re-establishment of the full sovereign power in that Duchy, we would become security in the Federal Assembly for the accomplished union, and would at once look upon the new internal establishment of a union of the country under one ruler as sufficiently far advanced to make us participate in an international security for the integrity of the Monarchy through the recognition of a common succession."

The Danish Government did not hesitate to declare its assent to these overtures.

In reference to the assent given by Prussia to the Vienna despatch the Danish Minister of Foreign Affairs declared in his reply of the 29th of January, 1852:—

"Under these circumstances it can but conduce to my especial satisfaction to make hereby, in furtherance of authority conferred on me from the highest quarter, the declaration that the King our gracious master acknowledges as being in coincidence with his own, that interpretation of the supreme intentions communicated to the Courts of Berlin and Vienna which is given in the despatch of the Imperial Court of Vienna of the 26th December of last year, and in the annex thereto, both generally and particularly also in reference to the non-incorporation of Schleswig with the Kingdom."

The Royal Proclamation issued the day before, under date the 28th January, 1852, was at the same time communicated to the two Powers. It repeats the promise of a common constitution for affairs common; and then it promises "to confer upon the Provincial States of the Duchy of Schleswig, as well as upon those of Holstein, such a constitutional development that each of the said Duchies, in regard to the affairs which have hitherto appertained to the sphere of action of its deliberative Provincial States, shall retain a States-representation, with power to vote resolutions" ("beschliessenden Befügniss").

"The proposed law to be elaborated with that object for the Duchy of Schleswig," continues the Proclamation, "will especially contain the necessary provisions for procuring a perfectly equal settlement and effectual protection to the Danish and German nationalities in the said Duchy."

The Copenhagen despatch of the 29th January, 1852, continues :—"The tenour of this supreme Proclamation will, as the Royal Government may confidently hope, most fully satisfy every just expectation; and as the assent expressed on our part, through the above declaration, to the views of the Imperial Cabinet communicated to the Prussian Government, is decidedly manifested, there can be no doubt that the form in which we have chosen to express the Royal intentions will appear perfectly satisfactory to the two Courts, so as no longer to delay the execution of the measures contemplated on their part."

At the close of the despatch the exchanged declarations are signed expressly as "an Agreement concluded."

The two German Powers were satisfied with this: they withdrew the Federal troops from the Duchy of Holstein in reply to the promise given, and they placed the full governing power, in this part of the country, in the hands of His Danish Majesty.

By the agreement thus fulfilled on the German part, the German Confederation obtained, in regard to Schleswig, the right to demand from Denmark :—

1. Non-incorporation of Schleswig with Denmark.

2. The grant of an independent position, with equality of rights in the whole Monarchy, to Schleswig, as to the other parts of the territory.

3. Like rights for the German and Danish nationalities in Schleswig.

The Minister Hall, according to the tenour of his despatch of the 10th June instant, now is of opinion that he can repudiate the above explained obligations of the Danish Government, by the assertion that a Final Act of the negotiations that have taken place exists in the Federal Resolution of the 29th July, 1852; that under such circumstances it is not allowable to found on preceding negotiations a claim which is not grounded upon the Final Act, and that the Federal Resolution says not a word about Schleswig.

But this reason is in obvious contradiction with the circumstances.

First of all, the whole of the above account of the historical course of the negotiations proves that the declarations exchanged in the despatches of the 6th and 26th December, 1851, and the 29th January, 1852, were not restricted to the limits of the preceding negotiations, but, as the Copenhagen Cabinet itself expressed in the last-named despatch, constituted a concluded agreement, which was forthwith, on the German part, carried into effect in favour of Denmark, and which binds the Danish Court to a like fulfilment on its part.

Further, the drawing up of a Final Act upon the negotiations transacted, of which the Minister Hall speaks, has not really taken place; at least the Federal Resolution of the 29th July, 1852, is not equivalent to such act.

This Resolution refers expressly to the preceding motion of Prussia and Austria. But this motion again is essentially based upon the Historical Report of the two Powers previously sent, and it can only be correctly interpreted in connection therewith. But that Report, in referring to the Royal Proclamation of the 28th January, 1852, brings forward those very points in relation to Schleswig as special obligations incurred by Denmark, which are described in the above narration as the result of the exchange of despatches several times mentioned. It can, therefore, by no means be asserted that the negotiations of the Diet of the 29th July, 1852, make no mention of Schleswig.

In the session of that day there was no question of an Agreement then first to be made. The mission of Prussia and Austria was rather, according to the wish expressed by the Copenhagen Cabinet in the despatch of the 29th January, 1852, only to represent an agreement already made in order to operate its acceptance by the Diet.

After sending in a brief historical review of the action which the two Powers had developed, in virtue of the mission entrusted to them, the Deputies of Austria and Prussia declared as follows :—

"The Supreme Proclamation of His Majesty (the King of Denmark), of the 28th January last, is laid before the High Federal Assembly by the Legation of Denmark and Holstein-Lauenburg." (This followed shortly after:) "The Deputies of Austria and Prussia, on their part, are instructed to declare that this Proclamation, in such of its provisions as refer to the questions in dispute between Denmark and the German Confederation, contains the expression of the understanding which the exalted Courts acting in the name of the Confederation have agreed to with the Danish Government."

Then entering into an explanation upon details, they observe, in continuation, word for word :—

"Perfectly equal and efficient protection is assured to the German and Danish nationalities in the Duchy of Schleswig."

And further:—

"In the recognition of the independent and equally-privileged position of the different constituent parts of the Monarchy, no one of which is subordinate to or incorporated with another, the Proclamation of the 28th January agrees particularly with the earlier Royal Proclamation of the 14th July, 1850, in which a promise was made that there should be no incorporation of the Duchy of Schleswig with the Kingdom of Denmark."

The agreements come to were of course subject to the laws and rights of the Confederation, and thereby liable to the Constitutional revisal and decision of the Diet, only so far as they had reference to the territories appertaining to the provinces of the Confederation, that is to say, Holstein and Lauenburg. In respect of Schleswig, the question regarded only agreements of an international character, for the adjustment of the disputed claims set up in reference hereto by Holstein. It was therefore only in strict harmony with the state of things, that Prussia and Austria, in the motion they brought forward, gave expression to such distinction. They asked, it is true, for the acceptance, the recognition of the adjustment which had been made of the disputes hitherto subsisting, in their whole extent, but that the same should be in harmony with the laws and rights of the Confederation, only so far as the resolutions made in the case should refer to the Duchies of Holstein and Lauenburg, and, according to the state of the case, as they were subject to the Constitutional revisal, and resolutions of the German Confederation.

In accordance herewith, the Federal Assembly, in its session of the 29th July, 1852, then fully resolved, in exact conformity with the motion, to recognise, as being in harmony with the laws and rights of the German Confederation, the provisions of the Proclamation issued by His Majesty the King of Denmark and Duke of Holstein and Lauenburg, on the 28th January last, so far as they relate to the affairs of the Duchies of Holstein and Lauenburg, and as, according to the state of the case, they are subject to the Constitutional revisal and resolutions of the German Confederation; and therefore to grant the reserved definitive acceptance of the adjustment of the disputes hitherto subsisting between Denmark and the German Confederation, which has been operated by His Majesty the King, in concurrence with the Governments of Austria and Prussia, acting in the name of the Confederation."

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No. 36.

*Mr. Paget to Lord J. Russell.*—(*Received July* 9.)

My Lord, *Copenhagen, July* 3, 1860.

I HAVE the honour to acknowledge the receipt on the 1st instant of your Lordship's despatches dated the 20th and 27th of June.

In the first of these despatches your Lordship expresses a desire to learn my opinion respecting the controversy between Denmark and the Germanic Diet, and as to the ulterior views of the parties concerned; and in the latter despatch your Lordship desires me to furnish you with a concise report on the present state of affairs in Holstein, pointing out especially how far the terms of the compact uniting that Duchy to the Germanic Confederation have been infringed; and also with a Report showing clearly in what respect Denmark has failed to keep the engagements which she entered into respecting Schleswig.

I will endeavour to explain these matters as briefly and clearly as possible.

After the war between Denmark and the Germanic Confederation, the Danish Government announced the intention of uniting the different parts of the country, namely, Holstein, Schleswig, Lauenburg, and Denmark Proper, into one Corporate Monarchy by legal and constitutional means. This intimation, in so far as it regarded Holstein and Lauenburg, was accepted as satisfactory by Austria and Prussia, and afterwards by the Diet.

As a consequence of the understanding thus arrived at, His Danish Majesty issued a Royal Patent on the 28th of January, 1852, announcing the decision which he had taken, which was to be carried out on the principle of "equality and independence" for each portion of the Empire.

A General Constitution for the whole Monarchy was accordingly drawn up on this basis, and promulgated ("octroyée") in the month of October 1855, but the Duchy of Holstein refused to admit its validity because of its not having been submitted to the Provincial States previously to its promulgation. It was also stated, as a reason for its non-acceptance, that it did not contain the guarantees for "equality and independence" in the general representation, promised in the Royal Patent, and the views of the Duchy were set forth on this subject.

The objections of Holstein, as belonging to the Confederation, were supported by the Diet on the ground of the promulgation in the manner above stated being an infringement of an Article of the Final Act of the Congress of Vienna; and the result of the controversy between the Danish Government and the Diet on this question was brought to an end by the abrogation of the Constitution in its application to Holstein and Lauenburg.

This took place in the month of November 1858, the Danish Government being with great difficulty brought, by the advice of England and France, to yield the point. The only infringement, therefore, of any Federal Act would appear to have been removed by the step thus taken.

The Danish Government then submitted to the Provincial States of Holstein a project of Constitution for their consideration and observations. The project submitted was the self-same Constitution which had just been annulled, and which is now in force in the other parts of the Monarchy. The result of the deliberations of the Holstein States was a counter-project, considered on all hands to be inadmissible and impracticable. Thus, therefore, a satisfactory solution for the main difficulty, namely, how to reconcile the ideas of Holstein respecting "equality and independence," in a common representation, with what was due to the other parts of the Monarchy, was as far removed as ever; but in the meantime it was essential to provide, at all events, for the position which the province was to occupy until such time as a definitive agreement should be arrived at. The Constitution had been abolished; consequently the Representatives of Holstein could not appear in the General Assembly of the Monarchy ("Rigsraad") which was about to meet. If measures voted by this body, without the participation of Holstein Deputies, were applied to this Duchy, they would most certainly have been resisted as illegal, and the inevitable result would have been to have brought the Danish Government into a worse difficulty than ever with the German Confederation.

The course adopted, therefore, was to issue, a few days before the meeting of the "Rigsraad," in the month of September of last year, a Royal Patent placing the Duchy of Holstein temporarily under the direct authority of the King, and fixing the amount of the contribution of the Duchy towards the general expenses of the Monarchy. Shortly after this, the Danish Representative at Frankfort was instructed to inform the Diet of the steps which had been taken, and to state that, with a view of arriving at a definitive arrangement, the Danish Government proposed that a Commission, to be chosen out of the "Rigsraad" and the Holstein Provincial States, should be named, and treat with the Government in Copenhagen.

This proposal was declined by the Diet, for the reasons which I had the honour to report to your Lordship at the time, and the consequence is that the Duchy of Holstein now remains, as above stated, under the direct and absolute authority of the Sovereign.

In order to make this sketch of the existing state of things as concise as possible, I have purposely avoided entering into details which your Lordship will find in the correspondence addressed by my predecessor and myself to the Foreign Office.

I now come to the question of Schleswig, and I must begin by saying that I am aware of no engagement taken by Denmark towards Austria and Prussia, which can be said to have been actually violated, although it may be a question of appreciation how far the Danish Government acts in a liberal spirit in the sense of the obligations it has undertaken, not indeed towards the German Powers, but towards its own subjects and in the face of Europe.

The only positive engagement entered into by Denmark towards Austria and Prussia, was that it would not incorporate Schleswig or do anything which would tend towards that end. (Vide despatches to Danish Envoys at Berlin and Vienna, December 6, 1851.)

Schleswig, like Holstein, has a separate Constitution and Provincial States, and the Danish Government meets all accusations of attempts to incorporate the Duchy, by pointing to these guarantees for its independence. The promises with regard to placing the two nationalities, German and Danish, on an equal footing, and granting to each the same "powerful protection," are to be found in the Royal Patent of the 28th January, 1852, above alluded to; but this was an engagement undertaken as an act of sovereign will on the part of His Danish Majesty, and cannot in any way be considered as binding in an international point of view, or as giving the right to any foreign Power, German or other, to interfere, except in the way of friendly remonstrance, respecting the manner in which it is fulfilled. That there is much to be said on this subject there can be no doubt, and that the effect of some of the existing laws, as well as the manner in which they are carried out, is severely felt by the German portion of the community is equally certain.

The laws to which I would especially call your Lordship's attention are those relating to forced confirmation in the Danish language, forced system of private education, revision of the electoral lists, and prohibition of meetings, even for scientific purposes. The latter is a recent enactment, and, at the time, was strongly remonstrated against by my predecessor.

It may be well to explain, with regard to the electoral lists, that any person's name may be struck out who has been accused of a crime and not acquitted, and advantage is not unfrequently taken of this power to strike out the names of those who, without having positively transgressed any law, have subjected themselves to police proceedings for their political conduct, or in other words for their known German opinions.

These are some of the causes for the feeling of irritation and hostility which prevails in the Duchy, and furnish in some degree the materials for the agitation which the Danish Government complains is kept up by its adversaries. Their removal could not fail, I think, to produce a calming and beneficial effect, and would not be productive of any of the results—such as Germanizing the Duchy, and eventually tending towards its reunion with Holstein, &c.—which the Danish Government pretend to anticipate.

I must guard myself, however, against being understood to say that I think the removal of the grievances alluded to would be of itself sufficient to satisfy the German party in the Duchies, or the German Confederation. To do this thoroughly would entail a subversion of the existing organization of the Monarchy, by reverting to the state of things before 1848, and re-establishing the former political union between Schleswig and Holstein; an arrangement to which no Danish Government could be brought to agree, even if it could be urged to do so. But without having recourse to this extreme measure, I am of opinion that it is in the power of the Danish Government to adopt others which, without in any way endangering the existing order of things in the Monarchy, could not fail to produce the most satisfactory results, and would place the Danish Government beyond the reach of accusations as to the non-fulfilment of its promises.

The first of these measures should be, to grant to the Duchy of Schleswig, as I reported to your Lordship in my despatch of the 24th of April I had suggested to M. Hall, a new Constitution, on a liberal basis, which should ensure legislative and administrative independence to the Duchy. A new arrangement with regard to the languages might also be made in the sense of that alluded to in my above-named despatch; and, in short, such other guarantees for the liberty and development of nationalities in the Duchy, if might be in accordance with the wishes of the population. Such concessions as made to precede an equitable proposal for Holstein, would, I believe, go far to ensure it a favourable consideration, both in that Duchy and in Germany; and without something of this nature being done, I fear all efforts to bring about a settlement of the question will be fruitless: for although the Confederation has no actual right of interference in the Duchy of Schleswig, as it has in Holstein, it must always be borne in mind that the two Duchies were for centuries united by the same laws and institutions; that they are to a great extent peopled by the same race; and that these circumstances have produced sympathies between them in which it is not unnatural that Germany should take part, and which will ever be the stumbling-block of every arrangement proposed for the one Duchy until justice is done to the other.

Without, therefore, now entering into details, I would venture to express the opinion that the great point to be obtained from the Danish Government is, a frank and loyal recognition of the freedom and equality of the nationalities of the Duchy; the removal of every unnecessary and vexatious restriction; and that as much independence should be granted to the Provincial Assemblies of both Holstein and Schleswig as is compatible with the integrity and preservation of the Monarchy.

I have, &c.
(Signed) A. PAGET.

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No. 37.

*Mr. Paget to Lord J. Russell.—(Received July 9.)*

(Extract.) *Copenhagen, July* 4, 1860.

IN an interview I had yesterday with M. Hall, his Excellency expressed himself much gratified at the manner in which M. Bille had reported your Lordship to have recently spoken to him on the subject of the differences between Denmark and Germany.

He said that he had been lately occupied in drawing up a statement which would show in its proper light the state of things in Schleswig, and how exaggerated were the accounts which had been propagated elsewhere.

This paper was to be dispatched to M. Bille to-day or to-morrow, and be submitted by him to your Lordship.

His Excellency then went on to speak of the intentions of the Government about Holstein. He said that it had been till quite lately their opinion, as they were anxious to abide by the basis agreed to in 1852, that the arrangement to be made should be a separate Chamber, chosen by the King, as indicated in his confidential letter to me of the 17th of August of last year; but, on maturer reflection, and taking into account certain circumstances which had recently occurred, the Government had arrived at the conviction that it would be useless to hope for a solution in this manner. M. Hall then alluded to the internal changes, military and others, which are spoken of in the German Confederation; and said that while the affairs of the Confederation were in this sort of transitory state, it was impossible to take a step which would bind that part of the Danish Monarchy which was under the control of the Diet more closely with the rest, without seeing the influence which the changes contemplated were likely to exercise.

It had therefore been decided to give more extended powers to the Holstein Diet; and a proposal in this sense would shortly be drawn up and submitted to your Lordship, who, he hoped, would approve and support it.

I told M. Hall I trusted this proposal would be accompanied by suitable reforms in Schleswig; that he was aware I had supported it when it was spoken of last year; but it had since occurred to me that any separation of Holstein might be considered in some quarters as a step towards the incorporation of Schleswig. There was, however, I said, one way of guarding against this misapprehension of the intentions of the Danish Government, and it was by the inauguration of a liberal system of administration and reforms in that Duchy.

I then developed the views which I have stated to your Lordship in my despatch of yesterday's date as to the measures which I thought advisable, and expressed my conviction that until they were carried into effect it would be idle to hope for any satisfactory ending to negotiations with Germany.

M. Hall was more satisfactory in his reply than I have yet heard him; and he ended by giving me a promise that if he could be assured that the proposal contemplated with regard to Holstein would be accepted by the Confederation, he would be ready, as far as it depended on him, to make the changes in Schleswig to which I had called his attention.

It might, however, perhaps, be desirable that these changes should precede, instead of follow, the new proposals to the Diet.

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No. 38.

*Mr. Manley to Lord J. Russell.—(Received July 16.)*

My Lord, *Copenhagen, July 13, 1860.*

M. HALL, whom I saw yesterday, informed me that the proposition of the Danish Government for a temporary arrangement of the Holstein question had been dispatched to London and would be communicated to your Lordship by M. Torben Bille, and his Excellency trusted that it would receive the support of Her Majesty's Government, from whose influence with that of Prussia he hoped much.

On my inquiring of M. Hall if it would not have been well at the same time to have made some declaration with regard to the intention of the Danish Government to redress the grievances complained of by Schleswig, his Excellency replied that they were few and much exagerated; but that the Danish Government would only be too happy that Schleswig should enjoy the same privileges and liberty as the rest of the Monarchy when once some arrangement had been arrived at with regard to Holstein. He said that a circular despatch had been transmitted to the Danish Ministers abroad giving a detailed account of the present state of things in Schleswig, which will, no doubt, have been communicated to your Lordship by M. Bille.

The temporary arrangement with respect to Holstein, as your Lordship is probably aware, is intended to remain in force until the meeting of the Provincial States of Holstein in January next, when it is proposed to lay before them a plan for the permanent settlement of the question.

This plan it is said will, probably, be based on the principle of two Chambers, though it is the opinion of my Swedish colleague that if the present plan for a temporary arrangement prove successful, it will, probably, become permanent.

I have, &c.
(Signed) WM. C. MANLEY.

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No. 39.

*Memorandum by Mr. Paget.*

THE main point to be borne in mind in discussing the question at issue between the Danish Government and the Confederation is the absolute necessity, with a view to ensuring success to any proposal which may be made for Holstein, that a new order of things should be introduced into Schleswig.

The Danish Government took a positive engagement towards Austria and Prussia not to incorporate this Duchy, and it maintains that the Provincial States and Constitution which the Duchy possesses are a sufficient fulfilment of this engagement. The German Governments, on the contrary, contend that by indirect means the incorporation has virtually been accomplished.

The King of Denmark further made the promise in the Royal Patent of 1852 to place the nationalities of the Duchy on an equal footing. The Germans interpret this as an international engagement in consequence of its resulting from previous diplomatic negotiations, and they contend that the Danish Government, so far from acting up to the engagement, uses every means to oppress and tyrannize over the German population. The existence of certain laws give a colouring to this statement, and it would, therefore, be expedient that the Danish Government should be urged to change them. The principal are those which relate to forced confirmation in the Danish language, forced system of private education, the prohibition of meetings of scientific Societies, and revision of electoral lists. If the Danish Government would in addition grant to Schleswig a new Constitution guaranteeing Legislative and Administrative independence to the Duchy, and make the question of the language to be used in the schools and churches dependent on the will of the population in the so-called "mixed districts," it would be difficult to accuse them any longer of violating their engagements, or of a wish to incorporate the Duchy.

*July 17, 1860.*

No. 40.

*M. de Bille to Lord J. Russell.*—(*Received July* 24.)

My Lord, *Legation de Danemark, Londres, le* 23 *Juillet*, 1860.

IN the course of the conversation I had the honour to have with your Excellency on the 19th instant, I mentioned that I would be happy to submit to your Lordship, if desired, a summary statement of the manner in which the question of language and nationality had been regulated in the Duchy of Schleswig, and as you signified that it would be agreeable to you to receive such a statement I have now the honour herewith to inclose one which I have drawn up from official documents communicated me by my Government.

In doing so I deem it, however, proper to add, that my Government does not regard itself as having contracted any international obligations with Germany or any other Power as to the administration of Schleswig and the treatment of the different nationalities existing in that Duchy; and that in being willing to offer explanations concerning administrative measures adopted with reference to that Duchy, it is only from a proper desire to clear itself of the imputation of oppression and tyranny with which it has been charged by the press of Germany, animated as it is by the most bitter hostility to Denmark.

I have, &c.

(Signed) TORBEN BILLE.

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Inclosure in No. 40.

*Statement of the Measures adopted with reference to Language and Nationality in the Duchy of Schleswig.*

THE population of the Duchy of Schleswig is about 400,000. The Northern and Central part is occupied by Danes, the Southern part by Germans, and the islands on the west coast, as well as a narrow strip of land along that shore, by Frisians. It is estimated by German writers that the purely Danish population numbers 135,500; the German 146,500; the Frisian 33,000; and those of mixed nationality 85,000.

The Danish nationality originally extended over the entire Duchy to where the River Eider has from time immemorial been the geographical and political boundary separating Denmark from Germany, and where the Dannevirke, the ancient rampart thrown up by the Danes as a bulwark against German encroachments, still stands and is even now, as it was of old, the military frontier of the Scandinavian races towards the South. The Danish nationality has, however, gradually receded and can now only be traced as far South as the districts contiguous to the arm of the sea called the Schlei.

The Duchy of Schleswig having from various causes for a long period been subjected to the administration of German functionaries, the German language introduced into the Duchy by German settlers and favoured by German rulers acquired an official supremacy in this Danish Province, and was adopted as the language not only of the Courts of Law throughout the Duchy, but also of Church and School in the greater part of the country, and even in parts where the language of the people had continued to be pure Danish. The injustice of this state of things was felt long ago, but every attempt made to reinstate the Danish nationality and language in its ancient rights met with a passive but effective resistance on the part of the German functionaries entrusted with the administration of the Duchy. Thus in the year 1810 the then reigning Sovereign of Denmark, King Frederick VI, published a Royal Resolution declaring that "whereas in our Duchy of Schleswig the inhabitants of some of the islands and of the greater part of the prefectures and districts on the mainland speak Danish, it is our will that in these islands and prefectures, where the Danish language is the language of the people, the German language shall cease to be used in Church, School, and in the Courts of Law, and the Danish language take its place;" but this Resolution was suffered to become a dead letter, and it was not till after the events of 1848 had taught the Danish nation what disastrous political consequences the gradual Germanization of the Duchy entailed, that efficient measures were taken to give effect to the above-quoted Royal Resolution of 1810, and to stay the further Germanization of the population of the Duchy. A series of Ordinances

issued in the years 1850 and 1851, regulated the question of language in Schleswig on the principle of respecting, on the one hand, the acquired rights of the German nationality and language in the Duchy, and of upholding, on the other, the Danish nationality and language there where it had still maintained itself.

According to these Ordinances the Danish language has been declared the language of the Church, of Schools, and of the Courts of Law in those parts of the Duchy where Danish continues to be the language of the people; and the German language, on the other hand, has been maintained in all its acquired rights there where the population had become completely Germanized, or nearly so.

As purely Danish the Ordinances treat that part of the Duchy extending south-east as far as the Firth of Flensborg, and south-west to the neighbourhood of Töndern (see Map 2), with a population of about 135,500, excepting therefrom the towns of Apenrade, Hadersleben, Sönderborg, and Töndern, which, from having a partially German population, are assimilated with the districts having a Mixed nationality.

German writers fully acknowledge the purely Danish nationality and language of this portion of the population; but Danish writers who have thoroughly investigated the question maintain that the purely Danish element in Schleswig extends much further south.

As purely German the Ordinances treat the southern portion of the Duchy extending north-east some distance beyond the Schlei, and prolonged north-west about half the length of the coast, with the adjoining islands, thus including the entire Frisian population, and numbering altogether 177,000 souls (see Map 2). Danish writers complain that the Frisian population of about 30,000 are treated as pure Germans, although their language has amalgamated more with the Danish than with the German.

As containing a population of a Mixed nationality, and using indiscriminately Danish and German as medium of intercourse, the Ordinances treat the tract of country situated between the purely Danish and the purely German districts as above defined, and containing a population of 82,000 (see Map 2, the part coloured green), excepting therefrom the town of Flensborg, which, from having a larger German population than Danish, is assimilated with the pure German districts.

In regard to the population of this tract of country the Ordinances have decided that Danish and German shall alternately be used in the churches; that both languages shall be taught in the schools, but as only one of them necessarily can be used as medium of instruction, the Danish language has as such received the preference, whilst the German is taught as a branch of the instruction given; that baptism, marriage, the Lord's supper, and other church ceremonies, with the exception alone of confirmation, shall be performed by the clergy in the language preferred by the parties; and also that litigants before the Courts of Law shall decide as to what language they wish to be used in the proceedings there or in applications to Government authorities, &c.

In regard to all general measures concerning the whole Duchy both languages are used. The members of the Provincial Assembly of Schleswig can express themselves either in Danish or German. The President of the Assembly and the Royal Commissary are bound to use both languages; and all laws are published both in German and Danish.

It was unavoidable that, in deciding upon what part of the population of Schleswig should be treated as being of a Mixed nationality, neither wholly Danish nor wholly German, both the Danish and German party in the State would feel aggrieved, both respectively claiming the majority of said population as belonging exclusively to their own respective nationalities. However, comparing the limits of nationalities and languages as fixed upon by the Ordinances and represented in Map 2, with the two German linguistic maps of Schleswig, Nos. 3 and 4, designed by partizans of the German interests, it will be seen that the Danish Government, in its anxiety not to overstep the bounds of moderation, has almost followed the very lines of demarcation drawn by German publicists hostile to Denmark, and who were desirous to represent in its fullest extent the pretended German nationality of Schleswig. In fact, they vary only in regard to four or five parishes. The Ordinances have thus confined the Danish and Mixed districts to limits far narrower than those laid down in Map 1, drawn by Professor Allen, the distinguished Danish historian, who had thoroughly and conscientiously investigated the question of nationalities in

Schleswig. According to said Danish map of Schleswig, No. 1, the Danish nationality actually extends, more or less, as the dotted part indicates, as far south as the town of Schleswig and the ancient Dannevirke.

When complaints are now made in Germany about the German nationality and language being oppressed in Schleswig, it may be well to call in mind that the Ordinances of 1850-51, regulating the question of language in Schleswig, were promulgated and carried into effect pending the negotiations between Denmark and Germany without any of the parties to said negotiations finding occasion to address remonstrances to Denmark on the subject; and further, that the King of Denmark, to testify the sincerity of His Majesty's desire to treat his German subjects in Schleswig with all possible indulgence, entrusted, at the express wish of Prussia, the administration of that Duchy to a distinguished Holstein nobleman, Count Charles Moltke, who gave to the said Ordinances his full approval, and exerted himself to bring them into prompt and complete execution.

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No. 41.

*M. Hall to M. de Bille.—(Communicated to Lord J. Russell by M. de Bille, July 30.)*

Monsieur, *Copenhague, ce 23 Juillet*, 1860.

D'ACCORD avec M. de Schleinitz dans le désir de ne pas voir se prolonger la discussion engagée sur le Slesvig j'ai cru pouvoir me borner vis-à-vis de la dépêche ci-jointe en copie, et le Memorandum qui l'accompagne,* à maintenir de vive voix devant M. de Balan les vues justes sur la question, et d'autant plus que le contenu de ces documents, bien que le Ministre Prussien y prenne à tâche d'établir une nouvelle interprétation des actes passés en 1851–52, n'est pas de nature à modifier les conclusions auxquelles je me suis arrêté dans mes dépêches antérieures. Mais en terminant ainsi cette épisode, j'ai cru utile en même temps de ramener ici par quelques mots la discussion sur son vrai terrain.

L'Autriche et la Prusse ayant agi exclusivement en qualité de mandataires de la Confédération, l'accord établi par les négociations entre eux et le Danemark devait être soumis dans son entier à la Diète pour recevoir ainsi l'approbation de celle-ci dans l'acte solennel qui mettrait un terme définitif au différend. C'est là le principe incontestable du droit public. Aussi en rendant compte à la Diète du mandat qui leur avait été confié, les deux Puissances exprimèrent directement l'espoir que la Diète épuiserait par son Arrêté le différend entier existant jusque là. Or, que contient cet Arrêté, dont le caractère était ainsi déterminé d'avance? Vous le savez, Monsieur. Il reconnait que le nouvel ordre de choses établi par l'Ordonnance Royale du 28 Janvier, 1852, en tant qu'il regardait les Duchés de Holstein et de Lauenbourg, était conforme aux lois et aux droits de la Confédération; il exprime la confiance que le Roi veillera au maintien et au développement des institutions existantes dans ces provinces, ainsi que de la position qui est due à ces pays dans leur union avec le reste de la Monarchie, et il déclare par conséquent que le règlement du différend est définitivement approuvé par la Diète.

Il n'y a donc pas, je le répète, la moindre ombre de doute; l'Arrêté Fédéral du 29 Juillet, c'est bien l'arrangement définitif et entier entre le Danemark et la Confédération, et il s'occupe exclusivement des deux Duchés Allemands.

Les arguments que M. de Schleinitz a voulu chercher ailleurs à l'appuie d'un prétendu droit pour l'Allemagne à s'ingérer dans les affaires du Slesvig ne sont pas plus convainquants.

Le Rapport présenté par les deux Puissances mandataires fait aussi mention du Slesvig, et il contient entre autres un passage sur la protection de la langue et de la nationalité Allemandes dans ce pays. Mais, ce Rapport a pris à tâche de résumer les dispositions de l'Ordonnance Royale du 28 Janvier, 1852, qui ayant pour but de régler en général les rapports constitutionnels de la Monarchie établit des principes pour le Slesvig et le Royaume aussi bien que pour le Holstein et le Lauenbourg. Que le principe de la protection de la langue Allemande dans le Slesvig trouvât place dans l'Ordonnance, voilà ce qui se comprend aisément; mais vouloir prendre vis-à-vis de la Confédération un engagement formel au sujet d'un principe qui par sa nature se prête si facilement à de différentes interpréta-

* No. 35 and Inclosure.

tions, c'eût été déposer en terre féconde une semence qui n'aurait pas tardé à croître et à fructifier. Aussi, je le répète—et il faut le répéter toutes les fois qu'on y reviendra—pas une syllabe de ces négociations ne fait mention d'un tel principe. Lorsque, le Rapport des Puissances mandataires ayant été déposé, l'Envoyé du Roi prit la parole pour communiquer à la Diète l'Ordonnance Royal, il ramena cet exposé unilatéral dans les justes limites en ajoutant expressément que la Diète connaîtrait par cet Acte Royal les garanties données en général aux sujets et nommément aux Etats Provinciaux du Holstein et du Lauenbourg ; et l'Arrêté Fédéral lui-même, qui adopta verbalement les conclusions du Rapport, restreint son examen et son approbation de l'Ordonnance Royal du 28 Janvier expressément à ce qui regarde les Duchés Allemands. Que prouve donc vis-à-vis de ces faits une certaine latitude des expressions du Rapport, surtout quand les conclusions et l'Arrêté ne font pas la moindre mention de la préambule, et c'est un principe bien reconnu à Francfort, que si les conclusions ne se réfèrent pas expressément au Rapport précédant, la Diète en adhérant aux conclusions n'adopte pas pour cela tout ce qui se trouve dans le Rapport lui-même.

Mais c'est particulièrement dans les négociations de 1851 que le Ministre Prussien cherche des points d'appuie pour son appréciation. Malgré les longues citations du memorandum, M. de Schleinitz ne cite pas assez pour que la question soit mise dans son vrai jour. Tout en me référant du reste à ma dépêche No. 16, j'appellerai votre attention, Monsieur, sur deux points principaux.

D'un côté le double objet des négociations de 1851 était la cessation de l'occupation Fédérale du Holstein et la position que le Roi donnerait à ce pays. Quant au Slesvig, ce Duché se trouvait déjà dans la possession du Roi, et les Puissances mandataires reconnaissaient expressément qu'il était "un pays non-Allemand dont les affaires ne pourraient par conséquent devenir le sujet de discussions et de négociations avec la Conféderation." (Dépêches Prussiennes du 30 Décembre, l'Annexe No. 5.)

De l'autre côté, les mandataires, tout en insistant pour connaître les intentions du Roi et lever les scrupules que le Gouvernement du Roi avait à satisfaire à ces demandes, affirmaient que "les droits souverains de Sa Majesté leur seraient toujours sacrés, mais que dans leur conviction la plus profonde il ne serait porté aucune atteinte à ces droits, si le Roi se trouvait dans le cas de devoir donner des éclaircissements ("Erläuterüngen") aux Confédérés." Et pour illustrer ces paroles d'un exemple, la dépêche Autrichienne du 26 Décembre, 1851, rappelle l'Arrêté Fédéral du 17 Septembre, 1846. "La déclaration du Gouvernement Danois du 7 Septembre, 1846, était donnée volontairement pour conjurer certaines appréhensions provoquées par la Lettre Patente du 8 Juillet de la même année, et elle avait été acceptée dans le même sens par la Diète, qui l'avait prise pour base d'un Arrêté spécial. Ni les Cours de Berlin et de Vienne ni la Diète elle-même n'ont prétendu donner à ce tâche le caractère d'une transaction synallagmatique et obligatoire, qu'il n'avait réellement pas, et jamais elles ne se sont refusées à tenir compte d'un changement des circonstances. Mais de l'autre côté le Danemark ne prétendrait pas non plus que, immédiatement après ces déclarations, le Roi eût pu agir contrairement, en s'appuyant sur son droit de souverain, et sans donner d'autres explications à la Diète que celle-ci, savoir, que son droit n'était limité que par la compétence ordinaire de la Diète." Il ne s'agissait donc pas d'un acte synallagmatique et obligatoire, mais simplement d'explications ("Erläuterüngen") volontaires ; il ne s'agissait pas d'assumer des obligations inaltérables, mais uniquement de donner une exposition de vues et d'intentions qui, pour subir dans la suite des changements quelconques, n'auraient besoin que d'une nouvelle communication à la Diète des motifs qui auraient conseillé ces modifications. Ce fut seulement après ces assurances formelles et expresses que le Roi crut pouvoir déclarer certaines intentions à l'égard du Slesvig, et elles forment pour ainsi dire le cadre et le fond dont ces déclarations ne sauraient jamais être détachées.

Maintenant quelles sont donc dans leur vrai teneur ces intentions déclarées par le Roi qui donnent lieu à tant de débats ? Vous les connaissez, Monsieur ; et la Prusse elle-même les a parfaitement résumées dans sa dépêche du 30 Décembre, 1851 ; savoir, la non-incorporation du Slesvig dans le Royaume proprement dit, le rétablissement des Etats Provinciaux Slesvigois, et le maintien du *nexus socialis* de l'ordre équestre. Et ces intentions Royales auraient-elles été modifiées plus tard par le Gouvernement du Roi ? ou même en seraient-elles peut-être encore à attendre leur accomplissement ? J'en appelle tranquillement au

jugement impartial de tout le monde pour décider la question si ces intentions n'ont pas été réalisées immédiatement et complètement sans que la moindre démarche ait été faite plus tard par laquelle le Gouvernement eût quitté la voie une fois tracée.

Serait-il possible, je le demande, dans ces circonstances et après les démonstrations précédentes, de parler sérieusement "d'engagements internationaux pris par le Danemark par rapport au Slesvig et qui seraient restés entièrement sans aucun effet."

(Signé) C. HALL.

(Translation.)

Sir, *Copenhagen, July* 23, 1860.

AGREEING with M. de Schleinitz in the desire of not seeing the discussion set on foot respecting Schleswig prolonged, I have thought that I might confine myself, with regard to the despatch herewith inclosed in copy and the memorandum which accompanies it, to maintaining in conversation with M. de Balan the correct view of the question, and the more so as the contents of these documents, although the Prussian Minister endeavours in them to establish a new interpretation of the Acts passed in 1851-52, are not of a nature to modify the conclusions at which I arrived in my former despatches. But, in thus terminating this episode, I have thought it useful at the same time to bring back the question to its true ground by a few words.

Austria and Prussia having acted exclusively in the quality of representatives of the Confederation, the agreement established by the negotiations between them and Denmark should have been submitted in its entirety to the Diet, in order thus to receive the approval of the latter in the solemn Act which should put a definitive end to the dispute. Such is the incontestable principle of public law. And so, when giving a report to the Diet of the mission which had been confided to them, the two Powers directly expressed the hope that the Diet would in its decree exhaust the entire question hitherto in dispute. What then does this Decree, the character of which was thus determined beforehand, contain? You know, Sir. It acknowledges that the new order of things established by the Royal Ordinance of the 28th of January, 1852, in so far as it concerned the Duchies of Holstein and Lauenburg, was in conformity with the laws and rights of the Confederation; it expresses confidence that the King will watch over the maintenance and development of the institutions existing in those provinces, as well as over the position which is due to them in their union with the rest of the monarchy, and it consequently declares that the settlement of the question at issue is definitively approved by the Diet.

There is not then, I repeat, the slightest shadow of a doubt; the Federal Decree of the 29th July is certainly the definitive and entire arrangement between Denmark and the Confederation, and it exclusively concerns the two German Duchies.

The arguments which M. Schleinitz would seek for elsewhere in support of a pretended right of Germany to interfere in the affairs of Schleswig are not more convincing.

The Report presented by the two Representative Powers makes mention of Schleswig also, and it contains, among others, a passage as to the protection of the German language and nationality in that country. But this Report undertakes to sum up the arrangements of the Royal Ordinance of the 28th January, 1852, which being intended to regulate generally the Constitutional relations of the Monarchy, establishes principles for Schleswig and for the Kingdom as well as for Holstein and Lauenburg. That the principle of the protection of the German language in Schleswig should have found a place in the Ordinance, may easily be understood; but our consenting to enter into a formal engagement with the Confederation on the subject of a principle which, by its nature, lends itself so easily to different interpretations, would have been to sow in fertile ground a seed which would not have been long in growing and fructifying. So, I repeat, and it must be repeated whenever the subject is returned to, not a syllable of these negotiations makes mention of such a principle. When, the Report of the Representative Powers having been submitted, the Envoy of the King proceeded to communicate to the Diet the Royal Ordinance, he brought this one-sided statement within just limits, by expressly adding that the Diet would know by this Royal act the guarantees given to the subjects in general, and especially to the Provincial States of Holstein and Lauenburg; and the Federal Decree

itself, which adopted verbally the conclusions of the Report, limits its examination and approbation of the Royal Ordinance of the 28th of January expressly to what relates to the German Duchies. What then, in face of these facts, does a certain latitude in the expressions of the Report prove, especially when the conclusions and the Resolution make not the slightest mention of the preamble? And it is a well recognized principle at Frankfort that, if the conclusions do not expressly refer to the preceding Report, the Diet, in adhering to the conclusions, does not, on that account adopt all that is found in the Report itself.

But it is particularly in the negotiations of 1851 that the Prussian Minister seeks for arguments in support of his views. Notwithstanding the long quotations of the memorandum, M. Schleinitz does not quote enough to place the question in its true light. Whilst referring to my despatch No. 16, I will call your attention, Sir, to two principal points.

On the one hand, the double object of the negotiations of 1851 was the termination of the Federal occupation of Holstein and the position which the King should give to that country. As to Schleswig, that Duchy was already in the King's possession, and the representative Powers expressly recognized that it was "a non-German country the affairs of which could not consequently become the subject of discussions and negotiations with the Confederation." (Prussian despatches of the 30th of December, Annex No. 5.)

On the other hand, the Representatives, whilst insisting in order to know the intentions of the King and remove scruples that the Government of the King had to satisfy these demands, affirmed that "the sovereign rights of His Majesty would always be sacred to them, but that according to their firmest conviction no attack would be made on those rights if the King found himself called upon to give explanations to the Confederate Powers." And in order to illustrate these words with an example, the Austrian despatch of the 26th of December, 1851, recalls the Federal Decree of the 17th of September, 1846. "The declaration of the Danish Government of the 7th of September, 1846, was voluntarily made in order to allay certain apprehensions raised by the Letter-Patent of the 8th of July of the same year, and it had been accepted in the same sense by the Diet, which had taken it as the basis for a special Decree. Neither the Courts of Berlin and Vienna, nor the Diet itself, have pretended to give to this task the character of a reciprocal and obligatory transaction, which it really did not possess, and they have never refused to make allowance for a change of circumstances. But, on the other hand, neither would Denmark pretend that immediately after these declarations the King might have acted differently, supporting himself on his sovereign right, and without giving any other explanation to the Diet than this—that his right was only limited by the ordinary competency of the Diet." There was no question, then, of a reciprocal and obligatory act, but simply of voluntary explanations: there was no question of assuming unalterable obligations, but simply of giving an explanation of views and intentions, which, in order to undergo any changes in future, would only need a communication to the Diet of the motives which had made these modifications advisable. It was only after these formal and express assurances that the King thought himself able to declare certain intentions with regard to Schleswig, and they form, so to speak, the frame and foundation from which these declarations could never be separated.

Now, what are, in their real tenour, these intentions declared by the King, which give rise to so many debates? You know them, Sir, and Prussia herself has completely summed them up in her despatch of the 30th of December, 1851, namely, the non-incorporation of Schleswig in the Kingdom properly so called, the re-establishment of the Schleswig Provincial States, and the maintenance of the *nexus socialis* of the equestrian order. And have these Royal intentions been modified subsequently by the Government of the King; or are they even still waiting for their accomplishment? I calmly appeal to the impartial judgment of all the world to decide the question whether these intentions were not realized immediately and completely without the slightest step having been subsequently taken by which the Government has departed from the course once traced out.

Can it be possible, I ask, under these circumstances, and after the foregoing arguments, to speak seriously of "international engagements entered into by Denmark with regard to Schleswig, which have remained entirely without effect?"

(Signed) C. HALL.

No. 42.

*Mr. Manley to Lord J. Russell.*—(*Received July* 30.)

My Lord, *Copenhagen, July* 26, 1860.

I HAVE the honour to transmit herewith to your Lordship a printed copy of a circular despatch of the 23rd instant which has been addressed by the Danish Government to their Ministers abroad, in reply to, or rather refutation of, the statements put forth by Baron Schleinitz in his Memorandum inclosed in his despatch to the Prussian Minister at this Court, M. Balan, and communicated by him to M. Hall, in answer to his note of the 10th of June on the subject of the late discussions in the Prussian Chamber with regard to Schleswig. M. Balan has kindly furnished me with a copy in German of the Memorandum, but as he assured me that it had been already communicated to your Lordship by M. de Bernstoff, I do not think it necessary to transmit a translation with this despatch.

I have, &c.
(Signed) WM. CAMPBELL MANLEY.

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Inclosure in No. 42.

*Circular addressed by M. Hall to Danish Representatives abroad, July* 23, 1860.

[See No. 41.]

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No. 43.

*Mr. Hamilton to Lord J. Russell.*—(*Received July* 30.)

(Extract.) *Frankfort, July* 27, 1860.

IN the sitting of the Diet yesterday, M. de Eisendecher, the Oldenburg Envoy, proposed that the Diet should take into its most serious consideration the Danish Duchies question.

After considerable discussion M. de Eisendecher's motion was negatived.

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No. 44.

*Memorandum communicated to Lord J. Russell by M. de Bille.*

THE present excited state of public feeling in Germany on the subject of the Duchies of Schleswig and Holstein renders it more difficult than ever for the Danish Government to bring about a settlement of the constitutional organization of the Monarchy. Under these circumstances it becomes a matter of necessity to provide in a temporary manner for the position of Holstein in the Danish Monarchy, until that position shall be finally settled either by the Duchy entering into a constitutional union with the rest of the Danish Monarchy, or by her obtaining a separate position more or less independent of the rest of the Monarchy.

The Danish Government proposes to provide for this temporary state of things by giving to the Provincial Assembly of Holstein full legislative power, in conjunction with the General Assembly ("Rigsraad," or Council of State), for the rest of the Monarchy, as to all matters concerning the whole Monarchy, so that no general measure of that description would receive the force of law till it had been sanctioned, on the one part, by the General Assembly ("Rigsraad") for Denmark-Schleswig, and, on the other, by the Provincial Assembly of Holstein.

If the two Assemblies should disagree, and persist in the disagreement, nothing would be left but to make, as far as the circumstances of the particular case might require, those public matters which have hitherto been treated as being exclusively under the control of the General Government, henceforth matters of provincial legislation on the part of the Provincial Assembly of Holstein, in so far as they concerned that Duchy.

According to the present financial system of the Danish Monarchy, the expenses of the General Government are in part defrayed by proportionate contributions from the revenues of the different constituent parts of the Monarchy, viz., Denmark Proper, Schleswig, and Holstein. It is proposed by the Danish Government to fix, once for all, the maximum contribution to be furnished by Holstein, by taking the average of what that Duchy has contributed during the last four years to the expenses of the General Government, and to make any demand, over and above that amount, which circumstances might call for, dependent on a special grant by the Provincial Assembly of Holstein.

Such a temporary arrangement of the constitutional question of the Danish Monarchy would, it is hoped, afford time for calm reflection, tend to promote a conciliatory spirit on the part of Holstein, and prepare the way for the final adoption of a constitutional organization of the Monarchy on a basis satisfactory to all parties. It would, moreover, in excluding foreign interference with the domestic troubles of Denmark, allow that political agitation to subside which has hitherto been fostered by such interference, and rendered unavailing every effort of the Danish Government to effect a settlement of the constitutional question of the Monarchy.

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No. 45.

*Lord J. Russell to Mr. Paget.*

Sir, *Foreign Office, August* 2, 1860.

WITH reference to the affairs of Denmark, I have received lately a Memorandum from the Danish Minister accredited to Her Majesty. A copy of it is herewith inclosed.*

It is to be observed that, with regard to Holstein, the concessions proposed for a temporary arrangement are very large.

For instance: "The Danish Government proposes to provide for this temporary state of things by giving to the Provincial Assembly of Holstein full legislative power, in conjunction with the General Assembly ('Rigsraad,' or Council of State), for the rest of the Monarchy, as to all matters concerning the whole Monarchy, so that no general measure of that description would receive the force of law till it had been sanctioned on the one part by the General Assembly ('Rigsraad'), for Denmark-Schleswig, and on the other by the Provincial Assembly of Holstein." And again: According to the present financial system of the Danish Monarchy, the expenses of the general Government are in part defrayed by proportionate contributions from the revenues of the different constituent parts of the Monarchy, viz., Denmark Proper, Schleswig, and Holstein. It is proposed by the Danish Government to fix, once for all, the maximum contribution to be furnished by Holstein, by taking the average of what that Duchy has contributed during the last four years to the expenses of the General Government, and to make any demand over and above that amount which circumstances might call for, dependent on a special grant by the Provincial Assembly of Holstein."

The defect of this Memorandum is, that it does not touch at all on the affairs of Schleswig; but it might be accepted as a basis by the German Powers, if Denmark, with a view to a friendly and final arrangement, would make certain concessions to the German inhabitants of Schleswig.

Should this view be entertained by Denmark, Her Majesty's Government would suggest to the Danish Government the expediency of modifying or repealing such of the laws now existing in Schleswig as can fairly be shown to be in contradiction with the Royal Patent of 1852, by which the King of Denmark promised to place the German and Danish populations of Schleswig on an equal footing.

The principal points upon which there appears to be cause of complaint are—the forced confirmation in the Danish language; the forced system of private education; the prohibition of the meetings of scientific societies; and the system which is employed in the correction of the electoral lists.

If the Danish Government would, in addition, grant Schleswig a Constitution, guaranteeing to the Duchy legislative and administrative independence, and

* No. 44.

would leave the question of the language to be used in the churches and schools to be determined by the wishes of the population in the so-called Mixed Districts, it appears to Her Majesty's Government that they could not fairly be liable to the charge of not having fulfilled their engagements, or of seeking to incorporate the Duchy.

You are instructed to read this despatch to M. Hall, and to ask him whether, without any negotiation with Germany or with the European Powers, he would feel himself authorized to empower the British Government to instruct Her Majesty's Minister at Frankfort to hold out an expectation that the measures here suggested in regard to Schleswig are likely to receive the sanction of His Danish Majesty.

I am, &c.
(Signed) J. RUSSELL.

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No. 46.

*Mr. Manley to Lord J. Russell.*—(*Received August* 6.)

My Lord, *Copenhagen, August* 1, 1860.

IN conversations I have lately had with M. Hall, I again observed to his Excellency how desirable it would be, in order to render the proposition for an arrangement of the Holstein question acceptable, that it should be accompanied by some declaration on the part of the Danish Government to redress certain grievances now complained of by Schleswig.

M. Hall, after denying any right on the part of Germany to interfere in the affairs of Schleswig, said he despaired of being able to make any concession to that Duchy that would prevent Germany from interfering in her affairs, as some pretext or other would always be found for so doing.

I reminded his Excellency that there existed, as he himself owned, at present some just subjects for complaint, such as the universal employment, in the mixed districts, of Danish as the language of education, prohibition of certain scientific societies, &c.

M. Hall said, with regard to the first, that it was really no subject for complaint: that the population of the mixed districts did not exceed 50,000; that it was necessary that one language should be employed as that of instruction, and that it was most natural that it should be Danish, and that German was equally taught in all the schools.

That with respect to the suspension of the right of meeting of certain societies the Government had been compelled to do so on account of their having assumed a political nature and endeavouring to promote Schleswig-Holsteinism, and that it would therefore not be possible, before some arrangement with regard to Holstein had been come to, to restore to them their former right.

His Excellency, however, seemed willing, on a just and impartial report being made of any real grievances that might exist, to make a declaration or promise to England, but not to Germany, of their willingness and intention of redressing them, provided the plan for the arrangement of the Holstein question were accepted. He added, however, that, in fact, there only existed two points which could afford the least matter for complaint: the first was that the ceremony of confirmation, in the mixed districts, was always performed in the Danish language; the second was that of the suppression of the scientific societies.

With regard to the first his Excellency seemed to think that a remedy might be found by leaving it to the choice of the majority of the different communities as to the language in which that ceremony should be performed. His Excellency concluded by saying that if the Danish Government made these concessions to Schleswig they ought, in return, to have some guarantee that, for the future, Germany would not interfere in the affairs of that Duchy.

I have, &c.
(Signed) WM. C. MANLEY.

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No. 47.

*Mr. Paget to Lord J. Russell.—(Received August 20.)*

(Extract.) *Copenhagen, August 14, 1860.*

I RETURNED to Copenhagen on Thursday morning the 9th instant. M. Hall was at that time on a visit to the King at Glucksburg, but I had an interview with him on the following day, after his return to the capital. I informed M. Hall that Her Majesty's Government took the most lively interest in the affairs of this country, and were most anxious to contribute to the arrangement of its differences with the German Confederation.

Your Lordship, I said, had given these matters your serious consideration, and had instructed me to return at once to Copenhagen to submit to his Excellency the views of Her Majesty's Government, and urge their adoption by the Danish Government. There was nothing, I said, either in the concessions themselves, or in the mode by which it was proposed the Danish Government should make known their intention to grant them, which was either injurious to the strength or integrity of the Danish Monarchy, which Her Majesty's Government were most desirous to uphold, or incompatible with the position which the Danish Government had taken up in its discussions with the German Powers.

I then read to M. Hall, in compliance with your Lordship's instructions, your despatch of the 2nd instant. When I had concluded his Excellency asked me if I would give him a copy of it, with which request, however, I did not feel myself authorised to comply; but on being further pressed by M. Hall, who said it was of the greatest importance that he should make himself entirely master of its contents, I consented to leave the despatch with him for his own more complete information.

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No. 48.

*Mr. Paget to Lord J. Russell.—(Received August 20.)*

My Lord, *Copenhagen, August 16, 1860.*

I HAVE just had an interview with M. Hall, and I have the satisfaction of informing your Lordship that I have some hope of the Danish Government agreeing to the concessions for Schleswig indicated in your Lordship's despatch of the 2nd August.

M. Hall informed me that having been for two or three days in the country he had not as yet been able to go into the question with his colleagues sufficiently to enable him to give me a positive answer at this moment, but he had had a preliminary discussion with them which was not unfavourable to the measures suggested by Her Majesty's Government.

There is to be a Council of Ministers *ad hoc* to-morrow, and I am to see M. Hall on Tuesday next for the purpose of learning their decision.

The point on which M. Hall feels the greatest difficulty is the change of system with regard to the languages; but he thinks the same result may be produced by other means, and, at all events, he hopes to prove to Her Majesty's Government the sincerity with which the Danish Government is acting in this matter, and their desire to do all that is in their power, and all that can be reasonably asked of them, for the solution of this question, and to strengthen the hands of Her Majesty's Government in supporting their cause at Frankfort.

I have only time, before the departure of the messenger, to add that I again made use of such language as was calculated to confirm the Danish Minister in the conciliatory spirit which he now evinces.

I told M. Hall I should write to your Lordship this day in the sense of this despatch.

I have, &c.
(Signed) A. PAGET.

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No. 49.

*Mr. Paget to Lord J. Russell.—(Received August 27.)*

(Extract.) *Copenhagen, August 21, 1860.*

I CALLED, by appointment, on M. Hall this afternoon, when his Excellency placed in my hands two Memorandums, copies of which are herewith inclosed.

The first relates to Holstein, and is a development of the Memorandum communicated to your Lordship by M. Bille. It did not form the subject of any discussion between M. Hall and myself to-day, and I therefore intend on a future occasion to ask his Excellency by what means he intends to ascertain whether the Confederation will be satisfied with the contemplated temporary arrangement before proposing it to the Diet, and what kind of guarantee he expects from the Diet that they will desist from further interference in the affairs of the Monarchy, which, as your Lordship will observe, are the conditions (to me I confess entirely novel) on which the Danish Government make the adoption of the plan in question to depend.

In giving me the Memorandum relating to Schleswig M. Hall informed me that it contained every concession which could possibly be made to that Duchy.

The concessions suggested in your Lordship's despatch of the 2nd instant relate :—

1. To compulsory confirmation in the Danish language, on which point the Danish Government is disposed to yield as regards the religious part of the ceremony, but not as to the examination preceding the confirmation, which must still be performed in Danish. I doubt, therefore, if this will be considered as any great boon.

2. To the compulsory mode of private instruction. The present system will be modified in so far that persons will be at liberty to exercise their own choice as to the preceptor for their children, without the right of interference of the clergyman or other authority of the parish, as is now the case, but the children must pass an ulterior public examination in the Danish language. This is an improvement, but it would have been more satisfactory without any obligation attached to it.

3. To the revision of the electoral lists. On this point the concession appears to be complete.

4. To the meeting of non-political societies. The existing prohibition will be removed, and liberty be given for Holsteiners and Schleswigers to associate, provided the designation of the society does not bear a political signification, and has not political objects in view.

When I had read this Memorandum, I expressed to M. Hall the disappointment which I felt that it did not contain any allusion to the other two points alluded to in your Lordship's despatch; namely, the new constitution for Schleswig, and the alteration of the present system regarding the languages employed in the schools and churches in the Mixed Districts.

I do not think it necessary to trouble your Lordship with the details of the further conversation which took place between M. Hall and myself, and in which I made use of every argument I could think of to induce him to reconsider the points in question. Although M. Hall failed to convince me that the interests or authority of the Danish Government would in any way suffer by yielding upon them, I was unable, I am sorry to say, to obtain from him any promise of a more favourable decision.

With regard to the concessions which the Danish Government declare themselves disposed to make, I can only express the hope that when carried into execution they may be favourably received by the populations, and may tend to calm the irritation which at present exists. They do not certainly come up to what I had hoped to obtain from M. Hall, nor will they probably be considered as fulfilling what the Danish Government has promised; but the fact must not be lost sight of, that the real question at issue between Denmark and the Confederation is relative to Holstein, and not to Schleswig; and that, therefore, any concessions whatever made towards the latter Duchy must be taken as so much gained for a part of the kingdom in which the Danish Government does not admit the right of any foreign Power to interfere.

The last paragraph of the Memorandum, though sufficiently vague, does

not preclude the hope that the Danish Government may eventually grant a farther amount of liberty to the Duchy.

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Inclosure 1 in No. 49.

*Memorandum on the Duchy of Holstein.*

LE but que le Gouvernement Danois s'est proposé est celui de créer une position au Holstein qui permette d'attendre tranquillement le moment propice pour un développement ultérieur de l'organisation de la Monarchie.

Tant que la Diète de Francfort se croira en droit de menacer de l'exécution Fédérale, et tant que les esprits en Holstein seront agités par l'idée qu'ils pourraient être atteints dans leurs droits personnels et dans leurs propriétés par l'autorité que le Rigsraad exerce dans les affaires communes, une collision funeste entre le Danemark et l'Allemagne sera sans cesse à craindre, et un réglement définitif des affaires constitutionnelles de la Monarchie serait toujours sûr de trouver un accueil défavorable, et de la méfiance dans le Holstein.

De son propre gré, sans que le Holstein et la Diète aient un droit quelconque à demander de nouvelles concessions, et bien qu'il ne se cache nullement que la marche de l'administration ne pourra que se trouver singulièrement entravée par un vote délibératif accordé aux Etats du Holstein pour des affaires communes, le Gouvernement a néanmoins cru devoir s'y prêter.

Mais pour se décider à entrer dans cette voie il faut que le Gouvernement sache qu'il atteindra par là son but; il faut qu'il soit bien assuré que la Diète en appréciant ces sacrifices dans l'intérêt des bons rapports entre les deux pays, se désistera définitivement de toute intervention ultérieure dans nos affaires intérieures; il faut que la nouvelle position donnée au Holstein soit reconnue assez satisfaisante pour que le développement ultérieur des rapports constitutionnels du Duché avec les autres parties de la Monarchie reste exclusivement abandonné au Gouvernement du Roi, secondé par le concours des Etats Holsteinois. Soit que les pourparlers que le Gouvernement se propose d'entamer avec les Etats dès le commencement de l'année prochaine aboutissent, soit qu'il ne devienne possible d'établir un réglement définitif qu'à une époque plus éloignée, la Diète n'y mettrait pas d'entraves, sauf naturellement à veiller à ce que l'accomplissement des obligations que le Roi s'est imposées par son adhésion à l'Acte Fédéral pour le Holstein et le Lauenbourg soit bien assuré.

Pour ce qui est de la législation proprement dite, le vote consultatif accordé par section 2 de la Patente Royale du 23 Septembre dernier aux Etats Holsteinois sera changé en vote délibératif de sorte qu'il faudra dès lors à toute loi qui aura force dans le Holstein pour les personnes et les propriétés, l'approbation des Etats de ce Duché.

Il est à espérer qu'un accord entre les Etats et le Rigsraad ne manquera pas de s'établir sur le terrain commun des deux Assemblées, grâce aux intérêts communs qui régissent ces matières. Mais si malgré les efforts réitérés du Gouvernement un désaccord irrémédiable se manifestait entre les deux Assemblées sur une affaire trop importante pour pouvoir être remise à une époque postérieure, le Gouvernement s'engagera à ne mettre la disposition à laquelle s'est opposée l'une des deux Assemblées, à exécution que dans celle des deux parties de la Monarchie dont la représentation l'a formellement acceptée, et à prendre par conséquent les mesures administratives nécessaires pour restreindre la disposition à ce terrain-là. Il faudrait peut-être des dispositions spéciales d'organisation pour essayer de rapprocher les opinions dissidentes (comme, par exemple, par une Commission Mixte, composée d'un nombre égal de membres des deux Assemblées); mais sans entrer dès-à-présent dans des détails sur ce point on fera seulement remarquer qu'aucune atteinte ne sera portée, par les dispositions mentionnées, à la liberté de décision des deux Assemblées Législatives.

Quant à l'administration financière la somme que les finances spéciales du Holstein auront à verser annuellement dans la caisse commune pour contribuer pour sa part à couvrir les dépenses communes, sera fixée une fois pour toutes à 850,000 rix-dalers. Cette somme est la moyenne de ce qui pendant les six ans dans lesquels l'organisation actuelle existe, est tombé à la charge des finances spéciales du Duché. Tant qu'une augmentation de cette somme ne deviendra pas nécessaire, l'Assemblée des Etats Holsteinois n'exercera aucune influence sur l'emploi des fonds communs; mais du moment que les besoins extraordinaires ou

croissants de l'administration viendraient à exiger des ressources plus grandes, l'augmentation de la somme fixée ne pourra être imposée aux finances spéciales du Holstein par Ordonnance Royale, mais seulement par un vote libre des Etats.

(Translation.)

THE object which the Danish Government has proposed to itself is that of creating a position for Holstein which will admit of tranquilly awaiting the propitious moment for a further development of the organization of the Monarchy.

So long as the Diet of Frankfort considers itself to have a right to threaten a Federal Execution, and so long as the public mind in Holstein is agitated by the idea that personal rights and properties may be attacked by the authority which the Rigsraad exercises in the common affairs, a fatal collision between Denmark and Germany will always be to be feared, and a definitive arrangement of the constitutional affairs of the Monarchy will always be sure to experience an unfavourable reception and distrust in Holstein.

Of its own accord, and without Holstein and the Diet having any right to demand new concessions, and although it in no way conceals from itself that the progress of the administration cannot but find itself singularly impeded by the concession of a deliberative vote for common affairs to the States of Holstein, the Government has nevertheless thought fit to consent to it.

But in order to decide on entering on this course, the Government must know that it will thus attain its object: it must be well assured that the Diet, appreciating these sacrifices made in the interest of the good relations between the two countries, will definitively desist from all further interference in our internal affairs; the new position given to Holstein must be recognized as sufficiently satisfactory for leaving the further development of the constitutional relations of the Duchy with the other parts of the Monarchy exclusively to the Government of the King, seconded by the agreement of the Holstein States. Whether the discussions which the Government proposes to enter into with the States from the commencement of next year, come to a favourable termination, or whether it only becomes possible to establish a definitive arrangement at a more distant epoch, the Diet should throw no impediments in the way, reserving, of course, the right to see that the accomplishment of the obligations which the King has imposed on himself by his adhesion to the Federal Act for Holstein and Lauenburg is well assured.

As far as concerns legislation, properly so-called, the consultative vote granted to the Holstein States by section 2 of the Royal Patent of September 23 last, shall be changed into a deliberative vote, so that from that time the approbation of the States of Holstein will be necessary for every law as to persons and properties which is to be put in force in that Duchy.

It is to be hoped that an agreement between the States and the Rigsraad will not fail to be established on the common ground of the two Assemblies, thanks to the common interests which influence these matters. But if, notwithstanding the reiterated efforts of the Government, an irremediable disagreement were to manifest itself between the two Assemblies, on an affair too important to admit of being postponed to a future period, the Government will engage only to put the arrangement which one of the Assemblies has opposed into execution in that of the two parts of the Monarchy the representative body of which has formally accepted it, and in consequence to take the necessary administrative measures for confining the regulation to that country. Special arrangements of organization for arranging to reconcile divergent opinions will, perhaps, be necessary as, for example, a Mixed Commission, composed of an equal number of members of the two Assemblies; but without entering at once into details on this point, it need only be remarked that no encroachment will be made, by the above-mentioned arrangements, on the liberty of decision of the two Legislative Assemblies.

As to the financial administration, the sum which the special finances of Holstein will have to contribute to the common fund as their share of the common expenses, will be fixed once for all at 800,000 rix-dollars. This sum is the average which, during the six years in which the present organization has existed, has fallen to the charge of the special finances of the Duchy. So long as an augmentation of this sum does not become necessary, the Assembly

of Holstein States will not exercise any influence on the employment of the common funds; but from the moment it may happen that the extraordinary or increasing wants of the administration may require greater resources, the augmentation of the sum fixed will not be able to be imposed on the special finances of Holstein by Royal Ordinance, but only by a free vote of the States.

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Inclosure 2 in No. 49.

*Memorandum on the Duchy of Schleswig.*

LE Gouvernement du Roi ne peut ni ne veut faire entrer dans la discussion les affaires intérieures du Slesvig.

Que le Roi ait renoncé dans les négociations de 1851 à l'incorporation de ce pays non-Allemand dans le royaume proprement dit, et qu'il lui ait laissé une Assemblée Législative et une Administration séparée pour toutes les affaires publiques qui peuvent être réservés à l'action Provinciale, ces. déclarations, ou comme le prétend la Prusse ces promesses, ont été immédiatement et pleinement remplies.

Plus le Gouvernement du Roi fait preuve de conciliation en s'imposant de graves charges à l'égard du Holstein pour venir au-devant des vœux de la Diète de Francfort, plus il est en droit d'attendre que l'Allemagne se désiste, relativement du Slesvig, d'une intervention qui excluerait toute transaction. En effet c'est là la condition absolue que le Gouvernement Danois doit mettre à sa déférence aux désirs de l'Allemagne pour le Holstein.

Instruit par une expérience douloureux, et sous peine de déposer des germes fertils de collisions incessantes avec l'Allemagne, le Gouvernement du Roi ne peut pas même se prêter à donner des éclaircissements à l'Allemagne sur les modifications qu'il serait disposé à apporter à quelques points de l'administration du Slesvig. Mais tout en maintenant scrupuleusement ce principe vis-à-vis de l'Allemagne, le Gouvernement peut tenir une conduite différente dans ses rapports avec le Cabinet Britannique. Il croit pouvoir se rendre à l'invitation que celui-ci lui a adressé et s'ouvrir confidentiellement à lui sur ses intentions à l'égard de certaines questions du Slesvig d'un caractère purement intérieur, et sur les modifications qu'il ne manquerait pas d'y introduire dès que, une fois la position du Holstein réglée de la manière indiquée, l'Allemagne cesserait de tenir les esprits dans le Slesvig en émoi.

1. Dans les Districts Mixtes la confirmation s'est faite jusqu'à présent dans la langue Danoise. Le Gouvernement ordonnera que l'examen qui précède la promesse, la bénédiction, et la communion, sera séparé de ces actes, et aura lieu à un jour de la semaine, tandis que les actes religieux mentionnés se feront en Danois ou en Allemand aux Dimanches suivants selon le gré des catechumènes.

2. Il sera permis à tout père de famille, au lieu de faire entrer ses enfants dans les écoles publiques, de pourvoir à leur éducation par un précepteur de son propre choix, sans prendre l'assentiment du curé de la paroisse, ou d'aucun autre employé public. Seulement il faut que d'après le principe de l'instruction primaire obligatoire adopté dans la Monarchie Danoise comme en Allemagne, l'administration veille à ce que réellement les enfants qui ne fréquentent pas les écoles publiques acquièrent au moins autant de connaissances que ceux qui profitent de l'instruction primaire publique, et nommément qu'ils apprennent suffisamment le Danois. A cet effet les enfants doivent être présentés aux examens publics pour prouver leurs connaissances.

3. Jusqu'à présent l'armistice accordée par le Roi à ceux qui ont pris part à des démonstrations révolutionnaires ne s'est pas étendue jusqu'à leur rendre les droits politiques, et ils ont par conséquent été rayés dans la plupart des districts des listes électorales. Par une Ordonnance Générale le Gouvernement fera disparaître cette exclusion, et l'Assemblée des Etats controlera elle-même la confection des listes.

4. Plus la position du Holstein se dessine vis-à-vis du reste de la Monarchie, plus les liens qui rattachent le Slesvig et le Holstein devraient être suspendus provisoirement. Néanmoins le Gouvernement, pour obtempérer aux vœux du Cabinet Britannique, serait disposé non seulement à les laisser intactes dans l'intervalle, mais même à publier des régles administratives sur le droit d'association. Des sociétés dont le but ne s'écartera pas de la légalité pourront se former

dans le Slesvig sans aucune permission préalable du Gouvernement, seulement elles ne doivent pas servir de prétexte à des démonstrations séparatistes. Il ne sera donc pas permis de nommer une société quelconque " Schleswig-Holsteinisch," ou de restreindre son action au Slesvig et aux Duchés Allemands comme formant ensemble un pays à part et séparé du reste de la Monarchie. Mais dans une société fondée pour le Slesvig il sera permis à des membres Holsteinois d'entrer, et *vice versâ* il restera permis à des Slesvigois d'entrer comme membres dans une société établie dans le Holstein conformément aux dispositions précédentes.

Ce sont là les modifications que le Gouvernement se prêterait, en cas échéant à apporter au régime existant du Slesvig. Bien que le Gouvernement ne se livre pas à l'espoir que l'agitation des personnes qui ont bien d'autres buts s'apaisera devant ces concessions, mais il croit que le conflit avec l'Allemagne définitivement écarté par les mesures indiquées, il réussira par une attitude énergique, en même temps que modérée, à ramener le calme dans les esprits. Une fois l'agitation finie, le Gouvernement avisera aux moyens d'accorder des libertés au pays qui ne feraient que s'accorder parfaitement à l'esprit qui anime ailleurs l'administration de la Monarchie Danoise, mais qui à l'heure qu'il est ne pourraient être que faussées et abusées par l'esprit factieux.

(Translation.)

THE Government of the King neither can nor will allow the internal affairs of Schleswig to enter into the discussion.

As to the King having renounced in the negotiations of 1851 the incorporation of this non-German country with the Kingdom properly so-called, and having left it a Legislative Assembly, and a separate Administration for all the public affairs which can be reserved to the provincial action, these declarations, or, as Prussia pretends, these promises, have been immediately and completely fulfilled.

The more proofs of conciliatory conduct the Government of the King shows by imposing on itself grave responsibilities with regard to Holstein, in order to comply with the wishes of the Diet of Frankfort, the more right has it to expect that Germany will desist, with respect to Schleswig, from an intervention which would preclude any arrangement. In fact, this is the absolute condition which the Danish Government must make for its deference to the desires of Germany for Holstein.

Instructed by a painful experience, and under the risk of sowing the fertile seeds of incessant collisions with Germany, the Government of the King cannot even consent to give explanations to Germany on the modifications which it may be disposed to introduce in some points of the Administration of Schleswig. But whilst scrupulously maintaining this principle towards Germany, the Government can pursue a different line of conduct in its relations with the British Cabinet. It is able to comply with the invitation which the latter has addressed to it, and to communicate confidentially to it its intentions with regard to certain Schleswig questions of a purely internal character, and with regard to the modifications which it will not fail to introduce as soon as the position of Holstein having once been arranged in the manner pointed out, Germany desists from keeping the public mind in Schleswig in agitation:—

1. In the Mixed districts, confirmation has taken place until now in the Danish tongue. The Government will order that the examination which precedes the promise, the blessing, and the communion, shall be separated from these acts, and shall take place on a day in the week, whilst the religious acts mentioned will be performed in Danish or German on the following Sundays, according to the desire of the catechumens.

2. Every father of a family will be permitted, instead of sending his children to the public schools, to provide for their education by a tutor of his own choice, without obtaining the assent of the clergyman of the parish, or of any other public official; only, according to the principle of compulsory primary instruction adopted by the Danish Monarchy as in Germany, the administration must see that the children who do not frequent the public schools really acquire at least as much knowledge as those who enjoy the public primary instruction, and especially that they learn Danish sufficiently. For this purpose, the children must appear at the public examinations to prove their knowledge.

3. Until now, the amnesty granted by the King to those who had taken part in revolutionary demonstrations has not extended to restoring to them their

public rights, and they have, consequently, in most districts been erased from the electoral lists. By a General Ordinance, the Government will put an end to this exclusion, and the Assembly of States will itself control the compilation of the lists.

4. The more the position of Holstein is made distinct from that of the Monarchy, the more must the ties which connect Schleswig and Holstein be provisionally suspended. Nevertheless the Government, in order to comply with the wishes of the British Government, would be disposed not only to leave them intact in the interval, but even to publish administrative regulations on the right of association. Societies whose object does not diverge from what is legal, may form themselves in Schleswig without any previous permission from the Government, only they must not serve as a pretext for separatist demonstrations. It will, therefore, not be allowed to call any society "Schleswig-Holsteinisch," or to restrain its action to Schleswig, or to the German Duchies, as forming together a country apart and separated from the rest of the Monarchy. But Holstein members will be allowed to enter into a society founded for Schleswig, and, *vice versâ*, inhabitants of Schleswig will be permitted to enter as members into a society established in Holstein in conformity with the preceding regulations.

These are the modifications which the Government would consent, if the occasion should arise, to introduce into the existing government of Schleswig. Although the Government does not indulge in the hope that the agitation of persons who have far other designs will be appeased by these concessions, still it believes that if the contest with Germany is definitively avoided by the measures pointed out, it will succeed by an energetic, and at the same time moderate attitude, in restoring calm to the public mind. The agitation once ended, the Government will take into consideration the means of granting liberties to the country which will but agree perfectly with the spirit which on other points animates the Administration of the Danish Monarchy, but which at the present moment would only be misdirected and misused by the spirit of faction.

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No. 50.

*Mr. Paget to Lord J. Russell.*—(*Received August* 27.)

(Extract.) *Copenhagen, August* 23, 1860.

WITH reference to the Memorandum inclosed in my despatch of the 21st instant, I have asked M. Hall in what manner he proposed ascertaining beforehand whether the arrangement for Holstein would be satisfactory to the Diet, and what kind of guarantee he expected that the Diet would desist from further interference in the affairs of that Duchy, while the Danish Government was negotiating with the Holstein States.

M. Hall replied that it might be taken for granted that if Austria and Prussia, between whom a perfect understanding on German affairs appeared now to be established, agreed to it, it would be accepted by the other members of the Confederation. On the meeting of the Diet, he would be disposed to charge M. de Bulow, the Danish Representative at Frankfort, to communicate unofficially with the Prussian Minister there, and endeavour to ascertain the sentiments of his Government; but he said an immense service could be rendered by Her Majesty's Government, if they would act at Berlin and endeavour to dispose the Prussian Cabinet in its favour. The only guarantee which he expected from the Diet would be the Decree announcing its approval of the arrangement.

As stated in your Lordship's despatch to me of the 2nd instant, there can be no doubt that the concessions to Holstein are very great. They give, in short, to the Holstein States as great an amount of independent control over the general affairs of the Monarchy as is possessed by the "Rigsraad," an arrangement which would appear to be in entire accordance with the report drawn up by these States in March of last year.

It would no doubt be most desirable for the Danish Government to learn the sentiments of the Prussian Government before taking any step themselves, and M. Hall trusts to your Lordship for rendering this service to the Danish Government. Indeed, without the support of Her Majesty's Government at Berlin, he feels it will be useless to make the proposition, and the Danish Government would prefer letting events take their course.

During this interview, M. Hall spoke much, and in the most earnest manner, of his ardent desire to terminate this controversy, and to re-establish the relations between Denmark and Prussia on the same cordial footing which formerly existed; and said that if once this question could be set at rest, he would make many sacrifices on points relating to the Duchy of Schleswig which were now impossible.

I have only to add, with reference to the present arrangement being proposed as temporary, that I have no doubt whatever the Danish Government would make it the permanent one if it was so desired by the Confederation. The Memorandum inclosed in my despatch of the 21st instant explains the reasons of the Danish Government for only proposing it as a temporary one in the first instance.

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No. 51.

*Lord J. Russell to Mr. Paget.*

Sir, *Foreign Office, August* 29, 1860.

IN reply to your despatch of the 16th instant, I have to state that I entirely approve the language you used to M. Hall, in your conversation with his Excellency respecting the concessions which it is desired that the Danish Government should make to the Duchies of Schleswig and Holstein, and I trust that the question of the languages to be used in the public schools of those Duchies will not prove a difficulty.

I am, &c.
(Signed) J. RUSSELL.

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No. 52.

*Mr. Paget to Lord J. Russell.—(Received September* 17.)

My Lord, *Copenhagen, September* 12, 1860.

YOUR Lordship will have probably heard from Frankfort that before the separation of the Diet for the holidays, the Representative of Oldenburg presented a motion to the effect that the Danish Government having published the Budget for the Monarchy, without having previously submitted that part of it which concerns Holstein to the vote of the States of that Duchy, had infringed the Decree of the Diet of the 8th of March of this year, and that, consequently, there were grounds for a Federal execution.

This motion was referred to the Committee for the Affairs of Holstein, who recommended that explanations on the subject should be required from the Danish Government, through the medium of the Representatives of Austria and Prussia at Copenhagen; and instructions to demand these explanations have, in consequence, been recently received and carried out by the Prussian Minister and the Austrian Chargé d'Affaires.

M. Hall has not as yet replied to their communication, but, in speaking on the subject with me, his Excellency observed that although the amount to be contributed by Holstein is specified in the general Budget of the Monarchy, alluded to by Oldenburg, nevertheless the financial measures relating to the Duchy were promulgated by Royal Patent dated the 24th of September, 1859, and cannot, therefore, be construed into an infraction of a Decree of the Diet issued several months later.

On further examination of M. Hall's Memorandum respecting the temporary arrangement to be proposed for Holstein (inclosed in my despatch of the 21st ultimo) in connection with the Decree of the Diet above alluded to, I am under some apprehension, notwithstanding the engagement undertaken that any further sum beyond that which is now put down as the contribution of Holstein towards the general expenses of the Monarchy is to be subject to the vote of the States of the Duchy, that difficulties may arise from the fact of any amount being positively fixed by the Danish Government as the share of Holstein, without the previous sanction of those States.

It might, therefore, be desirable for the Danish Government to consider some means for meeting this objection.

I have, &c.
(Signed) A. PAGET.

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No. 53.

*Lord J. Russell to Mr. Paget.*

Sir, *Foreign Office, September* 19, 1860.

YOUR despatches of the 21st and 23rd instant, relative to the concessions which the Danish Government are willing to make to the Duchies of Schleswig and Holstein, have been received and laid before the Queen.

Her Majesty's Government are far from being satisfied with the concessions made in respect to Schleswig, which might have been made in a more large and generous spirit.

Her Majesty's Government will, however, communicate these terms to the Government of the Prince Regent of Prussia, and they hope that the Prussian Government may find in them, if not the conditions of a settlement, yet the means of making some approach to a reconciliation between the Diet of the German Confederation and Denmark.

Her Majesty's Government are persuaded that the fear entertained in Germany that Schleswig is to be incorporated in Denmark, and the fear entertained in Denmark that Germany wishes to separate Schleswig from Denmark, and to absorb it in the Confederation, are the repelling influences which prevent a cordial understanding between Prussia and Denmark.

If these two projects were unequivocally disavowed, and practically laid aside, the mutual interests of Germany and Denmark ought to produce a cordial friendship and permanent alliance.

I am, &c.
(Signed) J. RUSSELL.

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No. 54.

*Lord J. Russell to Lord Bloomfield.*

My Lord, *Foreign Office, September* 19, 1860.

I INCLOSE herewith copies of two despatches which have already passed through your hands, under flying seal, from Her Majesty's Minister at Copenhagen,* reporting the concessions which the Danish Government are prepared to make to the Duchies of Schleswig and Holstein.

I likewise inclose a copy of the reply which I have addressed to Mr. Paget ;† and I have to instruct your Lordship to communicate to M. de Schleinitz the proposals of Denmark, and to state that Her Majesty's Government hope that the Prussian Government may find in these proposals, if not the conditions of a settlement, yet the means of making some approach to a reconciliation between the Diet of the German Confederation and Denmark.

I am, &c.
(Signed) J. RUSSELL.

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No. 55.

*Lord Bloomfield to Lord J. Russell.—(Received September* 24.)

My Lord, *Berlin, September* 22, 1860.

WITH reference to your Lordship's despatch of the 19th instant, directing me to communicate to Baron Schleinitz the proposal of Denmark for arriving at an understanding on the affairs of Holstein and Schleswig, copies of which were inclosed in Mr. Paget's despatch of the 21st ultimo, I have the honour to inform your Lordship that at an interview which I had this

* Nos. 49 and 50. † No. 53.

morning with his Excellency I read those two papers to him. He asked me to leave them with him in order that he might examine them carefully, and prepare an answer to them for communication to your Lordship. I said I was not authorized to deliver copies of these documents to his Excellency, as they were confidential communications of the Danish Government, but that I would request your Lordship's authority to meet his wishes, and I therefore beg you to inform me whether I am at liberty to deliver copies of these papers to him.

Baron Schleinitz made objections to some passages in these documents, particularly in that concerning Schleswig, but he said that until the papers were before him, he could say nothing worth repeating to your Lordship. He would, however, assure Her Majesty's Government of his desire to meet these proposals in the most friendly spirit, adding, that if the Danish memorandum was delivered to him, the communication would be considered as perfectly confidential.

I have, &c.
(Signed) BLOOMFIELD.

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No. 56.

*Mr. Paget to Lord J. Russell.—(Received at Coburg, October 2.)*

My Lord, *Copenhagen, September 26, 1860.*

I OMITTED to mention to your Lordship at the time, that when I was urging M. Hall to adopt the views of Her Majesty's Government with regard to Schleswig, I imparted to my Swedish colleague in what those views consisted, and invited him to give them his support. I did this because of the intimate relations existing between the Governments of Sweden and Denmark, and because, therefore, any advice coming from that quarter is usually well received here.

Count Wachtmeister complied with this request, and has since received the approbation of his Government for having done so.

In this despatch, which was shown to me by Count Wachtmeister, Count Manderström expresses much regret that the Danish Government did not see fit to comply with the suggestions of Her Majesty's Government, which, in his Excellency's opinion, might have been carried out with the greatest advantage. His Excellency adds further, that he has instructed Count Platen to communicate with your Lordship on this subject, and to express a hope that Her Majesty's Government will still persevere in their laudable endeavours to bring about an understanding between Denmark and the German Confederation.

I have, &c.
(Signed) A. PAGET.

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No. 57.

*Mr. Paget to Lord J. Russell.—(Received at Coburg, October 2.)*

(Extract.) *Copenhagen, September 26, 1860.*

I HAD a further interview with M. Hall on Monday last, the 24th instant, after the receipt of your Lordship's despatch of the 19th instant, and I thought it advisable, in order to put his Excellency in complete possession of the views of Her Majesty's Government, to read that despatch to him.

After expressing his acknowledgments to Her Majesty's Government for undertaking to communicate the proposals to the Prussian Government, M. Hall said that all he could hope was that the Prussian Government would take them as a basis for negotiation, for he felt convinced that no terms whatever could be presented by the Danish Government which would be deemed at once satisfactory by Prussia.

His Excellency said that he entirely concurred with your Lordship as to the repelling influences which prevent a cordial understanding being come to on the questions in dispute ; but in so far as he himself and the present Government in Denmark was concerned, he could give me the most solemn assurance that nothing was further from their wish or intention than to incorporate Schleswig

into the Monarchy. He considered that it would be neither a beneficial nor a desirable arrangement in any respect. I replied that I gave his Excellency every credit for good faith in the assurance which he had just made on the part of himself and his colleagues, and which I should not fail to report, in the hope that its repetition in the proper quarter might be useful; but, I said, what would be attended by far more beneficial result, would be some practical proof of the sentiments of the Government, which should bear out their assertions. What people in Germany complained of, I said, was, that by underhand means the Danish Government were bringing about the very result which they professed not to have in view.

M. Hall said that he contended, and always would contend, that no international engagement had been taken in regard to the nationalities; that everything which bore upon this point was to be found in the Royal Patent of January 1852 only, which was a spontaneous act on the part of the Sovereign towards his subjects. He did not deny that it was binding on this account, and he was willing to do his utmost to give it full effect.

In regard to the question of the languages, for instance, his Excellency observed that the present arrangement had been made by Count Charles Moltke, himself a Holsteiner; that it was received as satisfactory at the time, and had only been objected to subsequently.

In order, however, to put an end, once for all, to all further meddling on the part of Germany in the internal affairs of his country, he would be disposed, provided it would really attain that object, to take this subject, as well as that relating to a greater extension of powers to the Schleswig Diet, into consideration, with a view to rendering them more conformable to the wishes of the German party in the Duchy.

With regard to the incorporation, M. Hall said it had been so frequently mentioned in the correspondence between Denmark and Austria and Prussia in 1851, that it might almost be considered as an international engagement, although no formal Act had been signed, and that he should consider if it was ever attempted to carry it into effect, Germany would have a right to interfere to prevent it.

M. Hall had no further time for conversation that day, having to attend upon His Majesty, who had just returned to the capital.

There are to be several Councils this week, presided by His Majesty, preparatory to the meeting of the Danish Diet; and I understood from M. Hall that he would communicate with his colleagues on the subject of your Lordship's despatch, and would see me again in the course of a few days.

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No. 58.

*Mr. Paget to Lord J. Russell.—(Received at Coburg, October 2.)*

My Lord, *Copenhagen, September 27, 1860.*

M. HALL alluded in conversation the other day to Baron Schleinitz' Circular to the Prussian Ministers in Germany, dated the 6th of June, relative to the attributes of the Diet in the internal affairs of the States composing the Confederation; and his Excellency expressed the wish that the doctrine of non-intervention therein laid down by the Prussian Minister for Foreign Affairs might be consistently adhered to with regard to the affairs of Denmark.

I have, &c.

(Signed) A. PAGET.

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No. 59.

*Lord J. Russell to Mr. Paget.*

Sir, *Foreign Office, October 4, 1860.*

I TRANSMIT herewith, for your information, a copy of a despatch from Her Majesty's Minister at Berlin,* stating that Baron Schleinitz has requested to be furnished with copies of the proposals of the Danish Government with regard

* No. 55.

to the affairs of Holstein and Schleswig, as forwarded in your despatch of the 21st ultimo; and I have to instruct you to ask from M. Hall permission for the communication of the Memoranda in question to Baron Schleinitz, as the Prussian Government may find in them the means of approaching nearer to an amicable solution, a result of which Her Majesty's Government will not despair.

I am, &c.
(Signed) J. RUSSELL.

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No. 60.

*Mr. Ward to Lord J. Russell.—(Received October 5.)*

My Lord, *Hamburgh, September 27, 1860.*

SINCE my arrival here, no events of any especial interest have occurred in the Duchies of Holstein and Schleswig; and I have therefore not had occasion to address your Lordship in regard to the long-pending question between the Duchies and the Danish Crown. I have taken for granted that the important correspondence which passed between the Cabinets of Berlin and Copenhagen in the months of May, June, and July last, arising out of the debates in the Prussian Lower House upon the peculiar grievances of the Duchy of Schleswig, has for some time past been in the possession of Her Majesty's Government. The ground taken by Prussia in this correspondence is considered good by the German lawyers; and it will be easy for Austria and Prussia, by obtaining new powers from all the other German States, to put themselves again in the same position in regard to Denmark as they were during the war which was terminated by the arrangements of 1851 and 1852.

A Protest of the Grand Duke of Oldenburg has been made public, purporting to have been made in the Sitting of the Federal Diet on July 26, against the Financial Budget fixed by the Danish Government for the year from April 1, 1860, to March 31, 1861, for the Duchies of Holstein and Lauenburg, and issued without having been submitted to the States of those Duchies. This proceeding, which is considered by Oldenburg to be a breach of the condition imposed upon Denmark by the Resolution of the Federal Diet, dated March 8 last, will be deliberated upon by that Body when it meets, after the vacation, in the last week of October. If the Diet should determine that a breach of faith has been committed, it may proceed to executory measures under its Resolutions of February 11 and August 12, 1858.

A Protest has also been published under the signature of the Prince Frederick-Christian of Schleswig-Holstein, eldest son of the Duke of Schleswig-Holstein-Augustenburg, dated Dolzig Castle, January 15, 1859, against the succession to the Throne of the Danish Monarchy fixed by the Law of July 31, 1853, with the approval of the Great European Powers. Although this Protest may, at the present time, be of little moment, it may become of more importance whenever the elder Royal line shall become extinct, there being in the Duchies a large party who are dissatisfied with the Rule of Succession fixed in 1853, and who, if they could, would still make an effort to give the Ducal Crown to a Prince of the House of Augustenburg, notwithstanding the renunciation of it formerly made by the Duke of Augustenburg, the father, as the head of that House.

The Danish Government having some months ago notified to the Federal Diet its intention of submitting again to the States of Holstein a renewed Project of a Constitution for the common affairs of the Monarchy, M. Renck, of Holstein, formerly a member of the Imperial Council, has put forth a pamphlet which has attracted some notice, offering some suggestions for the composition of a Legislative Body upon an entirely new principle. I have the honour to transmit herewith a copy of this pamphlet, together with a précis thereof, in which the reasons are stated why M. Renck's plan could not be expected to work successfully.

I have, &c.
(Signed) J. WARD.

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Inclosure in No. 60.

*Précis of a Pamphlet "On the Question of the Constitution of the Danish Monarchy" ("Zur Verfassungs-Frage der Dänischen Monarchie"), by D. A. Renck.*

THE writer professes to be actuated by the laudable motive of contributing towards a reconcilement of the long-subsisting differences between Denmark and the States of the Germanic Confederation. Being a cloth-manufacturer in Holstein, it lies also in the way of his business to endeavour to keep together the several parts of the Danish Monarchy, more especially in a financial point of view, and with a common Customs Tariff as at present established.

The occasion for M. Renck stepping forward with his suggestions is stated to be the Declaration made by the Danish Government (in its Protest against the Resolution of the Federal Diet dated March 8, 1860) that it intended to lay before a to-be-newly-elected Assembly of the Provincial States of Holstein the project of a law enacting a revised Constitution for the common affairs of the Monarchy; the Diet having objected to the plan previously proposed by Denmark of a Conference between special Commissioners from the Northern parts of the Monarchy and the States of Holstein, with the view to an adjustment.

The author recapitulates at some length the various phases which the question of the Constitution of Denmark and the Duchies has undergone, and dwells upon the negotiations with Austria and Prussia in the years 1851 and 1852, of which Her Majesty's Government being fully cognizant there appears no necessity to repeat them in this place. It is admitted that when, in the course of the negotiations for the peace, Denmark gave up her project of convening an Assembly of Notables, she declared herself ready to return to the *status quo ante bellum*, and not to alter the Constitution of Holstein otherwise than in a legal and constitutional way.

M. Renck then observes that the Corporate Constitution of October 2, 1855, was valuable as having been based upon Conservative principles, and proceeds to consider whether that Constitution also answered the conditions of equal rights and independence which were guaranteed to the two nationalities by the correspondence of 1851 and 1852, and by the Royal Proclamation of January 28, 1852. He finds (and this is an important admission from a supporter of the Danish Ministry) that the Constitution of 1855 was defective in these respects: that instead of maintaining the principle of a Corporate State ("Gesammt-Staat") it treated the Danish Monarchy as an Unitary State ("Einheit-Staat"), and established a Representative system in one Chamber according to the numbers of the population, overlooking the fact that Denmark, Schleswig, and Holstein, are equal-righted Crown-lands of the Monarchy, and not in any sense Danish provinces. The Representative body called the Imperial Council was composed three-fifths from the Kingdom of Denmark Proper and two-fifths from the Duchies, the former sending forty-seven and the latter thirty-three members; and as the Assembly was competent to act whenever forty-one members should be present, it would consequently have been competent to act if forty-one Danish members and no members at all from the Duchies had made their appearance, which would have been in direct contravention of the principle established in 1852, namely, that of a corporate, not an unitary State, with a guarantee of equal national rights to all parts of the Monarchy.

Noticing the complaints from the Duchy of Schleswig as to the persecution of the German nationality, M. Renck observes that, in the last century, the Danish was the oppressed language, but now he seems to think it is not without some foundation that the Germans have raised a cry of injustice the other way. If, he says, the Government would fairly carry out the provisions of the Schleswig Constitution the mouths of the complainants might easily be stopped.

In each of the forty parishes in the middle parts of Schleswig, where the nationalities are mixed, the Government should appoint one German and one Danish clergyman; should organize the schools in a similar way, and should leave every man free to send his children to what school he pleased, and have them instructed in religion, and confirmed, by whichever clergyman he might prefer. By so doing an end might easily be put to the prevailing discontent; and for so desirable an object it would be well worth while for the corporate State to incur an expense of 50,000 or 60,000 dollars per annum. It is really surprising that the

Danish Government does not see the impolicy of adhering to its very unjust principle of action in this particular.

The preponderance of the Danes in the representation of the Monarchy has, of course, had the effect of throwing the Administration entirely into the hands of the Danish party. Our author admits that many evils have arisen from that preponderance. For instance, the newspapers are allowed freely to recommend the incorporation of Schleswig with the kingdom, whilst they are prosecuted if they advocate the union of the Duchies of Schleswig and Holstein, the former being equally contrary as the latter to the existing Conventions and the solemn engagements of the King.

M. Renck thinks the existing relations between Denmark and the Germanic Confederation to be inconvenient, and proposes to withdraw from the Imperial Council ("Reichsrath") all control over those relations. He would vest in the King-Duke alone the power of fixing the Budget to answer the military contigent demanded by the Confederation.

With respect to the position of the Duchy of Lauenburg it is rightly described as different from that of the other parts of the Monarchy. In this Duchy the domain lands are the chief source of revenue, and the taxes leviable in the country must always be small.

It is not possible to appropriate to the general purposes of the Monarchy the revenues arising from the Customs and the Domains, and to defray the costs of the Administration out of local taxes; consequently Lauenburg must remain in the same position as it was from the year 1815 to 1848, and in the following propositions Lauenburg is obliged to be left out of the question.

The author then arrives at the outline of his plan of a new Representation for the entire Monarchy, which is a newly constituted Imperial Council ("Reichsrath") for all common affairs, to sit at Copenhagen, and to consist of two Chambers—the Chamber of the parts of the country ("Landestheil-Kammer") and the Chamber of the people ("Volks-Kammer"). To the former each part of the country (except Lauenburg) elects one-third, viz., Denmark Proper twenty members, Schleswig twenty members, and Holstein twenty members; together sixty members. The latter Chamber consists of members selected from the representative bodies of each part of the country, of which Denmark proper sends eighty-one, Schleswig twenty-three, and Holstein thirty-one; together 135 members.

In the one Chamber, chosen upon the principle of each part of the country having equal rights, the numerical majority would be with the Duchies, but in the other, elected by representation of the people according to numbers throughout the Monarchy, the majority would remain largely on the Danish side.

In these Chambers the use of either the Danish or the German language is to be allowed at the option of the speaker.

M. Renck's plan appears well intended, and the censures he inflicts upon the Government of which he has been a supporter are justly merited by it. In fact the Corporate Constitution of October 2, 1855, is now generally acknowledged to have been a total legislative failure. But it is also pretty clear that the author's scheme is of an impracticable character, and could not possibly work. His Chamber of the People is open to the very same objection that he makes to the Constitution of 1855, viz., that it gives to the Danish party a large and perpetual majority, whilst his Chamber of the parts of the country, in which the Duchies are to have the majority, would serve merely to counteract the working of the popular Chamber, and so entirely impede the operation of the legislative machine. Can any proposal be less statesmanlike than that of constituting in any given country a new Legislative Body, under whatever name, of which it is known beforehand that the elements of the Upper Chamber are incompatible with those of the Lower, and that upon all important questions there must be a conflict of principles between the two? The fact is that the differences between the Danish and German subjects of the King-Duke can only be settled upon the basis of a Confederation, and that no common form of Government, resting upon a system of popular representation, can succeed in the Danish Monarchy for reasons which M. Renck himself, in this pamphlet, has sufficiently explained.

The author mistakes in supposing that his scheme would lead to an understanding between the Duchies and the kingdom, in regard to the question of the

domain lands, or that it would promote an improved financial system, and a development of industrial resources. He states erroneously that the domain lands belong to the monarchy at large, instead of specially to the Duchy or part in which they lie. He is also in error in the belief he expresses that the promise of the Danish Government to treat with a new Assembly of the Holstein States can inspire the German Powers with any confidence, after the illusory conduct practised by Denmark towards those States and towards the Federal Diet, on so many past occasions.

Nor is it easy to conceive how the author can seriously think that such a scheme as his can be accepted by the Duchies and by the German Powers as a fulfilment of the engagements entered into by Denmark with Austria and Prussia in the year 1851, or of the promises held out by the King-Duke to his German subjects in his often-quoted Proclamation of January 28, 1852.

(Signed) J. WARD.

*Hamburgh, September* 1860.

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No. 61.

*Mr. Paget to Lord J. Russell.—(Received at Coburg, October* 5.)

My Lord, *Copenhagen, October* 2, 1860.

ON inquiry of M. Hall a few days since if he had informed his colleagues of the contents of your Lordship's despatch of the 19th September, which I had communicated to him, and whether they had taken any new decision with regard to the affairs of Schleswig in consequence, his Excellency replied that he had certainly made known the opinions of Her Majesty's Government in the Council which had been recently held, but that the moment was not yet arrived for going beyond what was stated in the Memorandum which I had received from him, a copy of which was inclosed in my despatch of the 21st August.

The time for considering what might be further done would be when the Prussian Government had assented to the arrangement for Holstein.

I had a further interview with his Excellency yesterday, and I again came back to this subject. I said I was about to avail myself of your Lordship's permission to leave Copenhagen temporarily, and it would be a source of great satisfaction to me before doing so, if I could inform your Lordship that the Danish Government had decided on taking that course which could alone lead to a satisfactory solution.

I said it was most important for the success of the negotiations which Her Majesty's Government had undertaken at Berlin to strengthen their hands in the way I had indicated.

I then alluded to the various points in the Memorandum above-mentioned. I did not deny, I said, that there were certain concessions made, but what was given with one hand might be said to be taken back by the other, and the general impression left on the mind was that the Danish Government was not sincere in its desire to remedy the evils complained of. I therefore begged his Excellency most earnestly to reconsider not only the partial concessions specified in the Memorandum, but to look at the whole question in a larger and more liberal spirit, and to take such further measures as would enable Her Majesty's Government to support the Danish cause with efficacy and success.

M. Hall replied that he could only repeat what he had before told me, namely, that what was to be done for Schleswig must depend upon the reception which was now given to the proposals respecting Holstein. If they were accepted, and he could have a reasonable hope that by further concessions to Schleswig all further controversy would be put an end to, he would be enabled to take such measures as, he was convinced, would be satisfactory to Her Majesty's Government; but without this prospect he would only be attempting an useless task, and risking his own political position, by promising more than he had already done. With reference to some of the observations I had just made, he said that, although the points I had alluded to might not appear important in themselves, they were, nevertheless, so considered by a large party in this country, and by many of his colleagues, who were opposed on principle to any concession respecting them.

M. Hall again spoke of his earnest desire to do everything he could to meet the views of Her Majesty's Government, but renewed the expression of his inability to go further in this direction until he was enabled to show that in doing so he would finally terminate all differences.

I have, &c.
(Signed) A. PAGET.

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No. 62.

*Lord J. Russell to Lord Bloomfield.*

My Lord, *Foreign Office, October* 12, 1860.

I INCLOSE herewith a copy of a despatch from Her Majesty's Minister at Copenhagen,* and I have to instruct your Lordship to communicate the substance of this despatch to Baron Schleinitz, and to ask his Excellency what view the Prussian Government take of the concessions proposed for Schleswig and Holstein in M. Hall's Memorandum, which you read to his Excellency on the 22nd ultimo.

I am, &c.
(Signed) J. RUSSELL.

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No. 63.

*Lord J. Russell to Mr. Manley.*

Sir, *Foreign Office, October* 12, 1860.

I HAVE received Mr. Paget's despatch of the 26th ultimo, reporting a further conversation which he had held with M. Hall relative to the concessions which the Danish Government proposed to make to the Duchies of Schleswig and Holstein, and I have to instruct you to say to M. Hall, that the Danish Government would do well to allow Her Majesty's Government to communicate to Prussia the Memorandum to which the Danish Government agreed. The Prussian Government may then consider the matter, and see whether they can negotiate upon the proposed basis.

I am, &c.
(Signed) J. RUSSELL.

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No. 64.

*Lord Bloomfield to Lord J. Russell.—(Received October* 22.)

(Extract.) *Berlin, October* 20, 1860.

I AVAILED myself of a short stay here of Her Majesty's Minister at the Court of Denmark to discuss with him the best mode of making a further and a written communication to Baron Schleinitz of M. Hall's Memoranda respecting the concessions which the Cabinet of Copenhagen are prepared to make with a view of arriving at a better understanding with Germany on the questions of the Duchies of Holstein and Schleswig; and after communication with M. Hall, Mr. Paget prepared a Memorandum, in which he has endeavoured to embody the substance of the concessions proposed by Denmark, and I yesterday read this paper to Baron Schleinitz, and left it with his Excellency. A copy is herewith inclosed.

I have availed myself of the departure of a messenger to Copenhagen to send Mr. Manley a copy of this Memorandum, and I would request your Lordship, if you approve of the communication which I have made to Baron Schleinitz, to direct Mr. Manley to give a copy of it to M. Hall, as it would be unfair to leave the Danish Government in ignorance of the step which I have taken here in an affair of such deep interest to them.

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* No. 61.

Inclosure in No. 64.

*Memorandum communicated by Lord Bloomfield to Baron Schleinitz.*

THE Danish Government being sincerely desirous of putting an end to the controversy which has unfortunately so long existed between Denmark and the German Confederation relative to the Duchy of Holstein, has determined on making a further effort to bring about this desirable result.

The Danish Government is convinced that it would be useless to endeavour, under present circumstances, and with the agitation which exists in the public mind in Holstein, to settle at once and definitely the constitutional position which that Duchy is to hold in the Monarchy; and that it is, therefore, necessary to prepare the way for a definitive arrangement by one of a temporary nature, which would give time for calm reflection and discussion between the two parties more immediately interested, viz., the Provincial States of Holstein and the Danish Government.

For this purpose the Danish Government is prepared to adopt the following modifications in the existing state of things:—

The consultative vote accorded to the Holstein States by the second paragraph of the Royal Patent of the 23rd of September, 1859, to be changed to a deliberative one, so that no law shall have force in Holstein, either in regard to persons or property, without the approbation of the States of this Duchy. It is to be hoped that the common interests of the "Rigsraad" and the States of Holstein may produce an understanding between them on matters submitted to their deliberation; but if, notwithstanding the repeated efforts of the Government, disagreements should still continue to prevail between the two Assemblies on matters of too much importance to be postponed to a subsequent period, the Danish Government engages not to give effect to the measure in that part of the Monarchy, the Assembly of which shall have rejected it, and to confine its operation to the part of the Monarchy whose Assembly has accepted it.

In order to bring about an understanding between the contending opinions of the two Assemblies, it might be necessary, perhaps, to adopt measures of a special character (such, for instance, as the nomination of a Commission of equal numbers from both Assemblies); but without entering at present into details on this point, it may be observed that the Danish Government will do nothing that will interfere with the liberty of decision accorded to each Assembly.

With reference to financial arrangements, the amount which the special finances of Holstein will have to contribute to the common expenses of the Monarchy will be fixed once for all at 850,000 rix-dollars, which is the average sum paid by that Duchy on a calculation of the last six years. As long as no augmentation of this sum is necessary, the Holstein States will exercise no control over its employment, but should the exigencies of the State require additional resources, the augmentation of the sum fixed can only be imposed on the finances of Holstein by Royal Ordinance after the free consent of the States has been given.

The Prussian Government will doubtless recognise in the above proposals the spirit of conciliation by which that of Denmark is animated. If these arrangements are carried into effect the States of Holstein will in point of fact exercise the same control over measures affecting their Duchy as the Rigsraad possesses over those intended for the other parts of the Monarchy; and it is, therefore, hoped that, when the plan is submitted to the Diet by the Danish Representative at Frankfort, it may receive the support of Prussia. But the Danish Government is prepared to go still further in the way of conciliation. They cannot indeed, nor will they, admit any right on the part of Germany to interfere in the affairs of Schleswig; and whatever concessions are made to this Duchy must be understood as emanating solely from the free will of the Danish Government, and not construed into an admission of the authority of the Confederation in Schleswig.

As a proof of the friendly sentiments by which they are animated, and of their desire to remedy some of the evils complained of, the Danish Government would be prepared, on the consent of the Diet being given to the temporary arrangement for Holstein above alluded to, to adopt the following modifications in the laws at present existing in Schleswig:—

1st. The religious ceremony of confirmation to be performed in the language selected by the individual.

2ndly. Freedom of private instruction, conditional on passing the usual public examinations.

3rdly. Complete amnesty for political offences, and re-establishment of attainted individuals in their political rights.

4thly. Freedom of meeting and association between Schleswigers and Holsteiners for non-political purposes, and provided no such designation as "Schleswig-Holstein" is attached to the society.

Such are some of the measures which the Danish Government would be at once disposed to adopt, and more might possibly be done later. It is submitted to the Prussian Government whether there is not sufficient here to pave the way to a better understanding between Germany and Denmark, and whether it would not be wise on the part of the former, in the present critical state of Europe, to take advantage of the conciliatory sentiments prevailing in Denmark for bringing these long-pending disputes to a termination.

*Berlin, October* 19, 1860.

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No. 65.

*Mr. Manley to Lord J. Russell.*—(*Received October* 29.)

(Extract.) *Copenhagen, October* 25, 1860.

IN an interview I had yesterday with M. Hall I communicated to his Excellency, in pursuance of your Lordship's instructions, the substance of your Lordship's despatch of the 12th instant, viz., that the Danish Government would do well to allow Her Majesty's Government to communicate to Prussia the Memorandum to which the Danish Government agreed in order that the Prussian Government might consider the matter, and see whether they can negotiate upon the proposed basis.

His Excellency replied that the Memorandum in question had been drawn up merely for the perusal of Her Majesty's Government, but that, in reply to a request received by him from Mr. Paget from Berlin, that he would furnish him with a copy of the Memorandum, in order that it might be communicated by Lord Bloomfield to Baron Schleinitz, he had transmitted to him the substance of the Memorandum, and that, although he had not actually sent him a copy, he had communicated all the essential part of that document.

As I deemed your Lordship would consider this communication sufficient, I did not press the matter further.

In the course of a conversation which followed on the subject of the reforms in Schleswig, on my assuring M. Hall that it was the wish of Her Majesty's Government to maintain unimpaired the strength of this country, and that they would not propose concessions that they would consider likely to lead to a contrary result, his Excellency said that he was fully aware of the good feeling and intentions entertained by Her Majesty's Government towards Denmark, and concluded by repeating what he had said before, viz., that when once a favourable decision had been come to by Germany with regard to Holstein, and all controversy on the subject of that Duchy put an end to, the reforms the Danish Government would then be prepared to introduce into Schleswig would not fail to give satisfaction.

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No. 66.

*Lord Bloomfield to Lord J. Russell.*—(*Received October* 29.)

My Lord, *Berlin, October* 27, 1860.

I HAVE the honour to inclose herewith translation of a paragraph which has appeared in the "Volks Zeitung," containing an appeal from some of the members of the National Verein, of Germany, in favour of the Schleswig-Holsteiners who have been deprived of their national rights as Germans by the authority exercised over them by Denmark during the last ten years, and inviting the public to enter into subscriptions for their relief.

I have, &c.

(Signed) BLOOMFIELD.

Inclosure in No. 66.

*Extract from the "Volks Zeitung" of October 27, 1860.*

An Appeal.—Ten years have passed away since Schleswig-Holstein was delivered over to the Danes by German diplomacy and the force of German arms.

For ten years has Danish revenge and Danish villany been revelling in the triumph which was prepared for her by the policy and the weapons of German Cabinets; and even now the hour has not struck in which we might efface the stain which has been cast upon the national honour of Germany.

Be it therefore now our care to afford at least that personal assistance which hundreds of worthy Schleswig-Holsteiners, who have been driven by the Danes from their trade and occupations, from their houses and their homes, now require at the hands of Germany.

We open, therefore, hereby, in pursuance of the Resolution of the General Assembly of the National Union of the 4th September, a subscription-list for the Schleswig-Holsteiner in need of pecuniary assistance.

(Signed) Von BENNIGSEN.
FRIES.
Dr. REYSCHER.
RUCKERT, Dr. Med.
F. STREIT.

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No. 67.

*Lord J. Russell to Lord Bloomfield.*

My Lord, *Foreign Office, November 6, 1860.*

I HAD some conversation with Baron Schleinitz at Coblentz on the subject of Holstein and Schleswig, and I have endeavoured since I have returned home to clear up some points of difference between Prussia and Denmark with M. Falbe, the Danish Chargé d'Affaires.

I stated to Baron Schleinitz that the principle proposed by Denmark of assigning a certain amount of contribution to Holstein to the common expenses of the Monarchy, whether 850,000 rixdollars or any other sum, appeared to me a fair one.

Baron Schleinitz said that the principle was not equally applied, as Denmark was to vote her contribution every year, while the Holstein States were to have no control over the employment of their quota of contribution.

I am informed by M. Falbe that the Danish States would also contribute a fixed proportion to the common expenses of the Monarchy, and would be on a par with Holstein in this respect.

With respect to the amount of 850,000 rixdollars, the question whether that sum would be too great or too small might well be matter of negotiation and compromise.

Baron Schleinitz complained generally that in Holstein and in Schleswig there was no equality of rights with the inhabitants of Denmark Proper.

Upon this question, M. Falbe replied that, as far as Holstein was concerned, if some laws there, of the press for instance, were more restrictive in Holstein than in Denmark, it was because the laws of the German Confederation would not permit the Danish Government to give to Holstein laws equally liberal with those which prevailed in Denmark.

It appears to Her Majesty's Government, with respect to the proposals of Denmark, that the British Government is bound to allow that the tendency to concession which has been shown must be acknowledged by Her Majesty's Government, and should, if possible, be turned to the advantage of peace and conciliation by that of the Prince Regent of Prussia.

With respect to the principle of a fixed amount of contribution by Holstein to the common expenses of the Danish Monarchy, it appears to Her Majesty's Government that the principle, if equally applied, might be adopted, that is to say, if a fixed sum is contributed by Holstein, a fixed sum should be contributed by Denmark. If the whole sum is left entirely to the disposition

of the Executive, that principle should be adopted both for Denmark and Holstein. If the application is liable to inquiry by the Danish Chamber, the application of the Holstein quota should be liable to inquiry by the Holstein States. Only it is clear that only one Executive body can apply the sums for Navy, Army, and Civil List, intended for the defence of the Monarchy.

Of course this observation does not apply to the Militia, or to sums applicable to local defence.

The amount of the Holstein contribution might be fairly examined by a Commission, composed of a Dane, a German, and an Arbiter to be chosen by Great Britain.

I proceed to make some observations regarding Schleswig.

The proposal made some years ago by Lord Palmerston that Schleswig should be divided into a Danish and German portion was in itself a just and equitable proposition. But as it will not now be listened to by any Danish statesman, it might be considered whether, in the spirit of that proposal, the debateable land, as it may be called, might not be narrowed; that is to say, whether a portion might not be considered the Danish Division, another portion the German Division, and a third portion the Mixed Division.

The evils and inconveniences of treating the German inhabitants in a different manner to the Danes with regard to religious instruction, and with regard to education in public schools, would then be confined within the smallest compass, and being no longer the field of combat of opposing nationalities, common interests and natural sympathies might in time establish harmony and goodwill.

I have to instruct your Lordship to read this despatch to Baron Schleinitz.

I am, &c.
(Signed) J. RUSSELL.

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No. 68.

*Lord Bloomfield to Lord J. Russell.—(Received November 12.)*

(Extract.) *Berlin, November 9, 1860.*

IN obedience to your Lordship's instructions I have read to Baron Schleinitz your despatch of the 6th instant on the subject of Holstein and Schleswig.

His Excellency seemed gratified at the interest taken by your Lordship in the question, and agreed that good ought to result from examining it in the conciliating spirit recommended by Her Majesty's Government, but his Excellency did not evince much disposition to discuss the arguments advanced in your Lordship's despatch.

He said that, in consequence of the Memorandum which I had delivered to him, a copy of which was inclosed in my despatch of the 20th ultimo, he had lately sent a communication to Count Bernstorff which would enable that Minister to converse with your Lordship on the subject, and that it had been left to him to make such use of it as he might deem advisable.

I asked his Excellency to give me a copy of this communication, but he declined doing so, though he professed his willingness to read to me this paper at some convenient time, describing it as a lengthy one and drawn up in the German language.

With reference to that passage in your Lordship's despatch in which M. Falbe is represented to have observed, in regard to the accusation of Prussia that in Holstein and in Schleswig there was no equality of rights with the inhabitants of Denmark, that if the laws of the press were not as free in Holstein as in Denmark, it was not the fault of Denmark but of Germany, Baron Schleinitz said that this was not a fair representation of the case, for the press of Germany was perfectly free.

Baron Schleinitz seemed to approve of your Lordship's remarks on the control to be exercised respectively by Denmark and Holstein over the contribution to the common expenses of the Danish Monarchy, but I cannot add that he expressed any willingness to agree to the proposal for the formation of a Commission to inquire into the amount of the Holstein contribution, composed of a Dane, a German, and an arbiter to be chosen by Great Britain.

With reference to your Lordship's allusion to the proposal made some years ago by Lord Palmerston, with a view to arriving at a compromise of the conflicting claims, that Schleswig should be divided into a Danish and a German portion, and to the plan now suggested by your Lordship that Schleswig might, perhaps, be divided into three portions, the third being styled the Mixed Division, Baron Schleinitz said he rejoiced to see some new idea put forward, and he should be glad if it could be turned to good account.

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No. 69.

*Mr. Howard to Lord J. Russell.*—(*Received November* 12.)

My Lord, *Hanover, November* 10, 1860.

THE persecution by the Danish Government of the authors and subscribers of the petitions which were addressed to the late Assembly of the States of Schleswig, praying for a redress of the grievances of which the inhabitants of that Duchy complain, and more particularly the recent wholesale prosecutions and condemnations of citizens of the town of Eckenförde, coupled with the withdrawal from them of their electoral franchise on that account, have again directed public attention in Germany to the oppression of the German nationality in Schleswig, and have been animadverted upon in the strongest terms of censure by the organs of all shades of opinion in the German press.

Count Platen, in the course of a conversation which I had with him to-day, said that such proceedings, if persevered in, could not fail to lead to a revolution, and ultimately, should the principle of non-intervention be observed, might bring about the loss to the King of Denmark of that part of his dominions.

In a previous conversation, his Excellency dwelt on the desirableness of an early settlement of the affairs of Holstein, saying that hitherto the upper classes had been able to direct the movement; but that if the people should come to the conviction (which would probably be ere long) that the former could obtain nothing for them, they would take the matter in their own hands, and the consequences could not but be disastrous for Denmark.

On my own part, I cannot but consider the proceedings of the Danish Government in Schleswig, to which I have alluded, to be extremely impolitic, and to be quite at variance with the spirit of the age.

Moreover, the whole course of conduct pursued by the Danish Government of late years towards Holstein and Schleswig would never, I am convinced, have been approved of by the enlightened Danish Statesmen, Messrs. de Reëdtz, De Pechlin, and De Bille, who so strenuously defended the rights of their own country during the negotiations for peace with Germany, but who were at the same time desirous of a real pacification of the Duchies and of a conscientious fulfilment of the promises made by Denmark.

I have, &c.

(Signed) HENRY F. HOWARD.

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No. 70.

*Baron Schleinitz to Count Bernstorff.*—(*Communicated to Lord J. Russell by Count Bernstorff, November* 15.)

(Translation.) *Berlin, November* 8, 1860.

I HAVE the honour to forward herewith to your Excellency copy of a Memorandum which Lord Bloomfield, by the instructions of his Government, has confidentially communicated to me, in order to make known to us the steps which the Danish Government intends to take for arranging the differences in the matter of the Constitution of Holstein.

According to that Memorandum, the Danish Cabinet now wishes to make it understood that, under present circumstances, and with the excited state of feeling prevailing in Holstein, it is at this moment impossible to settle definitively the position to be given to the Duchy in regard to the whole Consti-

tution of the Monarchy. A mere provisional arrangement rather is to be made, which may leave the necessary room for a peaceable transaction between the Government and the States.

Your Excellency will readily understand how painfully we must have been surprised by this information.

Nine years have already passed away without result since the promise of a Constitution made in 1851-52. When, a year ago, the Federal Assembly would have at length proceeded to measures of execution, the Royal-Ducal Government could not ward off this menacing step but by the promise that negotiations should forthwith be opened with the Representatives of the country. This year also is gone by without anything being done; and now, at the close, it is plainly asserted that the settlement of the affair is made impossible by the excited state of public opinion.

If such excitement really exists, the cause of it is the fact that the promises made still await their fulfilment. On the other hand, the most urgent necessity is, that this matter should be brought to a final issue as speedily as possible.

In what way does the Government propose to arrange matters in the interim? Its propositions in this respect are not less unsatisfactory.

It is well known that the Confederation, by its Resolution of the 8th March last, declared it to be indispensably necessary that in the interval occurring before the position of the Constitution should be definitively re-established, all proposed laws for the common affairs of the Monarchy to be brought before the Council of the kingdom (Reichsrath) shall, in so far as they may be of validity in Holstein, be also laid before the States of Holstein, and that no law relative to common affairs, especially financial affairs, may be made current for Holstein until it shall have received the assent of the States of the Duchy.

The present propositions of Denmark are very far from coming up to the above Resolution.

It is true that in the case of laws affecting the rights of persons and property, the right of withholding assent is to be granted to the States; but in financial matters—and it is these particularly that are most important—they will have no voice. The Government will, of its own full power, determine the "aversum" which would be contributable by the Duchy, in a certain degree as a tribute, for the common wants of the Monarchy. It will fix the amount of this "aversum" in proportion to the sums which it has levied in the last six years, in this case also without the assent of the States, and to an amount which has already been the subject of many complaints. No voice is to be allowed to the States of Holstein in regard to the appropriation of this "aversum." It is only in the case of an increase thereof being demanded that their assent will be asked for.

It is evident that the position of Holstein, according to this arrangement, would relatively be very unequal to that of the other parts of the Monarchy which are represented in the Council of the Kingdom, for the Council would consider and would have a deciding vote both on the tax and its appropriation; and it is clear that there is an imminent and justifiable apprehension that, under such circumstances, the wealth of the Duchy would have to subserve not so much its own interests as those of the other parts of the territory.

Hence it appears evident that, in assuming that the proposals would confer upon the States of Holstein, in respect of the affairs appertaining to their Duchy, practically the exercise of the same control over them as that which belongs to the Reichsrath (Council) over the affairs of the other portions of the Monarchy, the Memorandum of the London Cabinet, in its hope that the propositions of Denmark may find approval, is building upon an unfounded hypothesis.

We have already frequently pointed out how contrary to justice it is altogether that the Danish Government should continue to retain in force the whole constitution of the State, especially the Council of the kingdom which it has itself originated, after having been compelled to admit that, by right, this does not subsist as respects Holstein. The Council should constitute a common representation for common interests. It has ceased to be a common representation since Holstein has been separated from it. Nevertheless, it decides upon matters common to all, and, therefore, upon the weightiest interests of the Duchy of Holstein, which is not represented by it. How irregular this is—how necessarily the abolition of the Reichsrath was altogether implied in the

separation of Holstein, is at once evident to an unprejudiced eye. But the adoption of the present propositions of Denmark would implicitly include, at the same time, an approval of the continuance of the Reichsrath; and it is not easy to foresee when the interim state, founded in this way, will be brought to a close.

But however the propositions of Denmark may be considered, the Confederation, at all events, cannot, as the London Cabinet appears to assume, feel itself empowered to agree with Denmark on the settlement of affairs upon this basis, and Prussia also is therefore not in a position to act in this sense at Frankfort, in accordance with the wish of Lord John Russell. The question here is that of the rights of the States, which it is not in the province of the Confederation to settle. Upon this the Danish Government may enter into negotiations with the States. If it have their assent there will not be anything to say against it on the part of the Confederation. But the propositions do not appear to be of a nature such that the Confederation could use its influence with the States for their assent, and it could not admit the validity of any arrangement which the Government might make in accordance with these propositions so long as the assent of the States should be withheld from them.

As your Excellency will see by the conclusion of the Memorandum, the Copenhagen Cabinet thinks it may further an understanding upon the question of Holstein by the offer of certain concessions in respect of Schleswig.

We may abstain from going into a detailed consideration of the value of the measures put forward, because the hypothesis with which they were, as an essential condition, connected, is, we are convinced, entirely inacceptable by the Confederation.

No right of intervention in the affairs of Schleswig is thereby granted to the German Confederation. All concessions to be made to that Duchy are exclusively understood as emanating from the free will of the Government of Denmark, and are not interpreted as an admission of the authority of the Confederation in reference to Schleswig. To this the Confederation will never agree.

It is certainly quite correct—and this we have always admitted—that the Duchy of Schleswig does not appertain to the body of the German Confederation, and thus it is so far not subject to the authority of the Confederation. But it is, nevertheless, quite in consistency with this that the King of Denmark, as Duke of Schleswig, has contracted, for the sake of the settlement of the debated claims of Holstein, certain international obligations towards the German Confederation in respect of Schleswig, and is bound to fulfil them.

In regard to this I may refer to our detailed Memorandum of last June, which, at the time, your Excellency also brought to the knowledge of the English Cabinet.

The spirit in which England has so frequently in other places laid its weight in the scale, where it was available in obtaining for peoples liberties against their Governments which until then did not belong to them according to law, and the principles respecting national rights which recently dictated the despatch of Lord John Russell on the 27th of last October to Sir James Hudson in Turin, will not permit us to doubt that, in the case between Denmark and Germany, in which the question now is to defend the well-grounded and documented liberties of the States, Great Britain will have no hesitation to use its whole influence with the Cabinet of Copenhagen for obtaining what is right.

Your Excellency is authorized to acquaint Lord John Russell with the contents of this despatch, in reply to the Memorandum communicated to us.

(Signed) SCHLEINITZ.

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No. 71.

*Mr. Manley to Lord J. Russell.*—(*Received November* 15.)

My Lord, *Copenhagen, November* 12, 1860.

THE trial of the persons who signed a revolutionary address in Schleswig in the month of February last, was brought to a conclusion a few days ago, the result being that the parties who were proved to have been concerned in it were fined in sums varying from 200 dollars (22*l.*) to 5 dollars each, the originator of

the address being sentenced to pay the larger sum. Although the sentence was milder than was generally expected, it is said that the whole of the convicted parties intend to appeal against it to a higher Court.

I have, &c.

(Signed) WM. CAMPBELL MANLEY.

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No. 72.

*Mr. Ward to Lord J. Russell.—(Received November 17.)*

My Lord, *Hamburgh, November 15, 1860.*

THE Duchy of Holstein has lately been occupied with the election of the members of a new Diet of the States of that Duchy, which, it is understood, will be convened in the month of January next.

The number of electors who have exercised their right of voting has been smaller than usual, owing partly to the inefficient and inconvenient character of the Electoral Law, and partly owing to a feeling of hopelessness in regard to political improvement which has taken possession of many men's minds. But so much appears certain, that the result of these elections, which are now very nearly terminated, will be decidedly unfavourable to the policy of the Danish Government, and that the new Diet will be as little disposed as its predecessor to entertain any proposals inconsistent with the rights of the Duchy, or of the States.

The Danish Government notified to the Federal Diet at Frankfort, in the month of March last, its intention to submit to an Assembly newly elected of the Provincial States of Holstein the Project of a revised Constitution for the common affairs of the Monarchy.

The details of this Project of the Government have not yet been made public, but so much may be asserted beforehand with regard to it, that if it proceeds upon the principle of a Corporate State, like that of the abolished Constitution of October 2, 1855, it has not the slightest chance of being adopted, and scarcely of being heard by the new Diet. In fact, while the whole question of the position of Holstein is pending before the Federal Diet of Germany, the Danish Ministers cannot seriously believe that they can satisfy the States of Holstein by conceding to them any rights short of those which, through the intervention of the Federal Diet, they must ultimately obtain.

I have conversed on this subject with several intelligent persons residing in the Duchy—among them with Baron Scheel-Plessen, who has repeatedly officiated as President of the States—and they all concur in thinking that the further agitation, in the sense proposed by the Government, of Constitutional questions before the Holstein States, can be of no utility, and will merely renew the irritation and excitement of former years.

The best and wisest course for the Danish Cabinet to pursue would seem to be, as regards Holstein, to submit itself without reserve to the Resolutions of the Federal Diet, which is the competent legal tribunal for settling these long-pending disputes between the King-Duke and his German subjects in Holstein and Lauenburg.

The States of Holstein may probably take up some minor matters in the way of reform, such as a revision of the Electoral Law, the restoration to the inhabitants of the right of petition, and the liberation of the press from the restrictions imposed on it; but all these questions will be treated as subordinate to the leading one of the Constitutional position of the Duchy within the Danish Monarchy.

With respect to the case of the Duchy of Schleswig, it has given rise to much discussion and agitation, both in the Duchy and in Germany, since the dissolution of the Assembly of the States of Schleswig in the early part of this year.

The ground taken by the Prussian Minister, the Baron de Schleinitz, in the despatches subsequently addressed by him to Copenhagen, is already known to your Lordship, viz., that Denmark is bound to fulfil the engagements entered into by her with Austria and Prussia in the years 1851 and 1852 as the conditions of the Peace, and to make good the promises held forth by the King-Duke to his German subjects in the Royal Proclamation issued on the 28th January, 1852.

The non-fulfilment of these engagements and promises as regards Schleswig, although that Duchy does not lie within the limits of the Germanic Confederation, may, at any time, be declared by Austria and Prussia (assuming they have full powers from the other German States) to be a *casus belli*, and the war renewed. Whether Prussia (to say nothing of Austria) will eventually proceed to the length of hostilities on this account, will probably depend a good deal on the degree of pressure exercised upon the Prussian Government by public opinion in Germany; but the mere possibility of such a crisis shows that the Schleswig question, so long as it continues unsettled, threatens no less danger than that of Holstein, to the general interests of European peace.

Until within the last few months, the language of the Constitutional leaders in both of the Duchies has been, "We claim the fulfilment by Denmark of the engagements made by her to us and to the German Powers in the years 1851 and 1852, as the conditions of the Peace." And in various former despatches which I have had the honour to address to your Lordship and to the Earl of Clarendon, I have humbly supported the Constitutional view of the case, and have submitted that Denmark ought to be compelled to make good her engagements to Schleswig not less than to Holstein.

Of late, however, and since the grievances of Schleswig have become more flagrant, I have observed a disposition in the more zealous advocates of the cause of the Duchies to change their tone, and to say, "It is useless to insist any longer on the Danish engagements of 1851 and 1852: Denmark has neglected and violated those engagements. The conditions of the peace are therefore no longer binding on us or on the German Powers. We will think of them no more, but will demand the ancient Constitutional rights of the Duchies of Schleswig and Holstein, which are independent, and inseparably united with each other. We will have the political union of the two Duchies, and no other connection with Denmark than the personal union of the Kingdom and the Duchies under the same Sovereign."

Such language is used, for instance, by M. Busch, in his pamphlet which I have transmitted to your Lordship in another despatch of this day's date.

This disposition to abandon the conditions of the Peace, and to go for more, is at all events significant of an increased irritation in the public mind of the Duchies and of Germany, and is the consequence of the unfortunate obstinacy with which the Danish Government has for nearly ten years refused to carry out the stipulations on which the Peace was based.

Whatever course Prussia may take in this long-pending contest, I fear there is little hope of the Danish Crown recovering the lost respect and affection of its German subjects.

I have, &c.
(Signed) J. WARD.

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No. 73.

*Lord Bloomfield to Lord J. Russell.*—(*Received November* 19.)

My Lord, *Berlin, November* 17, 1860.

WITH reference to my despatch of the 9th instant, I have the honour to inform your Lordship that I have had some further conversation with Baron Schleinitz on the Danish Question.

His Excellency said that, in consequence of Count Bernstorff's continued indisposition, Count Brandenburg had communicated to your Lordship the Memorandum of which he had spoken last week, and that as your Lordship had expressed a wish to have a copy of it, he had authorized its being delivered to you.

I then inquired of Baron Schleinitz if this communication was likely to lead to any concessions on the part of Germany, with reference to the confidential communication which I had made to his Excellency some time ago; but I regret to say that his answer was most unsatisfactory, for he gave me to understand that he had been conferring with the Cabinet of Vienna for some time past, and the result would probably be a communication to the Diet, and the adoption by that Assembly of a resolution calling on Denmark to fulfil the engagements which she contracted with Prussia and Austria as the condition of the retirement of the German army of occupation from the territory of Denmark.

Denmark, said his Excellency, had not fulfilled her engagements, and it would be for the Diet to decide what was to be done. That meant, I observed, a Federal execution, and the military occupation of Holstein by order of the Diet; a measure, I added, which might be attended with danger to the peace of the North of Europe.

Baron Schleinitz explained that this need not be so; it was an affair connected with the internal arrangements of Germany, and if the occupation were decreed by the Diet, it would not, of course, be extended to the Duchy of Schleswig.

I replied that this intelligence would not be welcome to Her Majesty's Government, who had hoped for a more favourable answer to their endeavours to conciliate matters between Denmark and Germany, and who certainly would see in the possible adoption of the violent measures to which he had alluded, danger to the general peace, and that I hoped some means would yet be devised to prevent the application of force at the present moment.

Baron Schleinitz insisted that the course which the Diet was likely to adopt was not calculated to cause alarm to Europe, and was amply justified by the pertinacious refusal of Denmark to fulfil her engagements.

I have, &c.

(Signed) BLOOMFIELD.

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No. 74.

*Mr. Manley to Lord J. Russell.*—(*Received November* 26.)

My Lord, *Copenhagen, November* 16, 1860.

I HAVE the honour to inform your Lordship that in pursuance of your instructions transmitted in your Lordship's telegram of the 31st October, I left with M. Hall a copy of the Memorandum on the Question of the Danish Duchies presented to the Prussian Government by Lord Bloomfield. His Excellency expressed his satisfaction at the manner and tone in which it had been drawn up.

I took the opportunity to ask M. Hall if he was aware whether anything had passed at the late meeting at Warsaw on this subject. His Excellency thought that little if anything had been said, but stated that Prince Gortchakoff had expressed his satisfaction to the Danish Minister at St. Petersburg, Baron Plessen, that Her Majesty's Government had offered their good offices with Prussia to endeavour to bring about an arrangement, and the sincere wish of the Russian Government for the termination of the question.

I have, &c.

(Signed) WM. CAMPBELL MANLEY.

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No. 75.

*Mr. Manley to Lord J. Russell.*—(*Received November* 26.)

(Extract.) *Copenhagen, November* 21, 1860.

WITH respect to the principal question under dispute in Schleswig, namely, that of the language in the Mixed districts, your Lordship will perhaps allow me here to state that of the three parts into which, as your Lordship is aware, that Duchy is divided, namely, the Danish, the German, and the so-called Mixed districts, the first or Danish portion consists of 117 parishes; the German portion of 110; and the so-called Mixed districts, the territory at present under dispute, of 47 only, and containing a population of some 50,000 souls, and consequently forming but a very small part of the whole Duchy.

In the German portion, which comprehends the more southern part of South Schleswig, from the town of Schleswig and Husum downwards, nothing but German is spoken, and no other is employed either for schools, church service, &c., &c. In the Danish portion, which extends over the whole of Northern Schleswig, down to Flensburg, the language is, on the other hand, entirely Danish. In the Mixed districts, which form the portion between the two, the general language of conversation of the peasants and poorer classes is a kind of patois, consisting

of a mixture of Danish, German, and Frisian, though they generally possess a good knowledge of both German and Danish, as the two languages are taught in all the schools in those districts; the latter, however, being invariably employed as that of education.

The only alteration, I believe, that has taken place in the division within these last ten years is that two of the Mixed districts or parishes have been added to the Danish portion on account, as it was stated, that their language had become almost entirely Danish, and could, therefore, not be counted any longer as Mixed districts.

I think there is but little doubt, with regard to the languages themselves, there would be but little or no difficulty offered against the adoption of your Lordship's plan of again dividing these last-named disputed districts into a German, Danish, and Mixed portions, and by this means confining the latter districts within as small a space as possible: but the difficulty, I apprehend, will be to induce the Danish Government to consent to the measure.

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No. 76.

*Mr. Manley to Lord J. Russell.*—(*Received November* 26.)

My Lord, *Copenhagen, November* 22, 1860.

I HAVE just seen M. Hall, who informed me that he had had a telegram from M. de Bille, the Danish Minister in London, informing him that your Lordship had received the reply of the Prussian Government to the Memorandum presented by Lord Bloomfield to Baron Schleinitz.

I told his Excellency that I was about to dispatch a messenger to England, and asked him if I could not give your Lordship some hopes of the Danish Government making some alteration in the proposed plans with regard to the contribution to the common expenses to be paid by Holstein which would place that Duchy more on an equality with the rest of the Monarchy, as I was aware that the plan, as it existed at present, was not considered as at all satisfactory by the Prussian Government.

His Excellency replied, that Prussia did not show any desire to come to an understanding, and that, until he heard again from M. de Bille, he could not enter further into the question.

I have, &c.

(Signed) WM. CAMPBELL MANLEY.

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No. 77.

*Mr. Howard to Lord J. Russell.*—(*Received November* 26.)

(Extract.) *Hanover, November* 24, 1860.

ACCORDING to the information which I have been able to collect here, it is the intention of the Prussian Government, to whom Austria has left the lead in this matter, to declare to the Diet, in their report, that they consider the publication of the Budget for Holstein to constitute an infraction of the stipulations of the Federal Resolution of the 8th of March of this year, and to propose that Denmark shall be called upon, under pain of incurring the Federal execution which had been suspended, to declare, within four weeks, that they will not publish any new laws for Holstein without the consent of the States of that Duchy, during the provisional state of things there established.

I take this opportunity of stating that Count Platen, in speaking to me of certain concessions which he has learnt that the Danish Government, through the medium of Her Majesty's Minister at Copenhagen, have offered to make to the Duchies of Holstein and Schleswig, has observed to me that the Danish Government ought to have been ashamed to render even the very partial redress of the just grievances of the Schleswigers which they now propose, conditional upon the acceptance of a provisional arrangement for Holstein. His Excellency is of opinion that the Danish Government ought unconditionally to fulfil the obligations they have undertaken towards both Duchies, and that the concessions

they offer in their regard are altogether unsatisfactory. He repeats that the course which the Danish Government are pursuing can only lead to a revolution.

I have not failed to point out to Count Platen the complications which, in the present critical state of the affairs of Europe, would be likely to arise from a Federal execution, even if confined, as he says it would be, to Holstein, as its consequence would probably be to incite the German population of Schleswig to revolt and to call in German assistance, and thus to produce a state of things infinitely more dangerous than that which existed in 1848, and to which it was found so difficult to put an end.

Under these circumstances I said that, believing that no movement of Federal troops for the purposes of execution could take place in Germany without the ultimate risk of bringing on a war, and moreover, that a fresh German forcible intervention in Holstein would give a dangerous impulse to the Democratic party, I hoped that the Diet would pause before entering upon a course which might entail such pernicious results.

His Excellency replied, however, that the Danish Government had violated all the obligations they had contracted towards Holstein; that the Diet was fully justified in interfering in a purely German question like that of Holstein; and that a Federal occupation of that Duchy would rather have the effect of checking the spread of revolution.

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No. 78.

*Mr. Manley to Lord J. Russell.*—(*Received December* 3.)

(Extract.) *Copenhagen, November* 27, 1860.

I HAD, yesterday, a short interview with M. Hall, in which, after having informed me that he had heard from M. de Bille that the reply received by your Lordship to the Memorandum delivered by Lord Bloomfield to the Prussian Government relative to the Schleswig-Holstein question was far from satisfactory, his Excellency told me that, as yet, the Holstein affair had not been brought before the German Diet, but he anticipated that it would be very shortly, and that great irritation would be created against Denmark; and feared much the adoption of some severe ulterior measures.

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No. 79.

*Sir A. Malet to Lord J. Russell.*—(*Received December* 3.)

(Extract.) *Frankfort, November* 30, 1860.

YOUR Lordship will probably recollect that immediately before the recess of the Diet, which terminated on the 25th of October, a motion was made by the Oldenburg Envoy on the 26th of July, the tendency of which was to invite the Diet to take steps for execution against the Danish Government for non-fulfilment of the Diet's injunctions made to the Danish Government on the 11th February and 12th August, 1858.

This proposition was referred to the Standing Committee, with instructions to report thereon, and I understand that such Report is not likely to be much longer delayed.

Representations have in the mean time been addressed to the Danish Cabinet, both from Austria and Prussia, of the nature of which your Lordship is no doubt informed, to try to induce an adoption of measures in Holstein, and also in Schleswig, affording such satisfaction to the Dietal requirements as might prevent the adoption of extreme measures.

The steps hitherto taken by the Copenhagen Cabinet towards arrangement of existing differences, especially the one last announced, of treating with Delegates from the Provincial Assemblies of Holstein and Lauenburg, do not appear to have been carried out; and I am bound to report to your Lordship that there is much renewed dissatisfaction felt and expressed in Germany at what is considered evasive and dilatory conduct on the part of Denmark in these long pending disputes.

There is, consequently, much reason to apprehend that the force of public opinion will influence the Diet to take a more decided course in this question than their customary cautious and slow method of proceeding would lead most people to expect.

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No. 80.

*Mr. Howard to Lord J. Russell.—(Received December* 3.)

(Extract.) *Hanover, November* 30, 1860.

THE Prussian Chargé d'Affaires at this Court has communicated to Count Platen a despatch addressed by Baron Schleinitz to Count Bernstorff in London, giving the reasons of the Prussian Government for declining to accept the concessions offered for the Duchies of Holstein and Schleswig by the Danish Government through the medium of Her Majesty's Minister at Copenhagen.

Count Platen shares the opinions expressed by Baron Schleinitz in this despatch as to the unsatisfactory nature of the concessions themselves, and considers that the object with which they have been made is to effect the incorporation of Schleswig with Denmark.

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No. 81.

*Lord J. Russell to Mr. Paget.*

Sir, *Foreign Office, December* 8, 1860.

I SEND you a copy of a despatch from Baron Schleinitz to Count Bernstorff, and a copy of the answer I have given to it in a despatch to Mr. Lowther.*

You will observe that I have stated in this despatch the engagements which, in the opinion of Her Majesty's Government, His Danish Majesty is bound in honour to fulfil.

"He is bound," I have stated, "not to incorporate Schleswig with Denmark; to maintain in Schleswig Representative States; and to protect the German and Danish nationalities in the Duchy of Schleswig."

It appears to Her Majesty's Government that whatever may be the binding force of the engagements entered into with Austria and Prussia, the King of Denmark is bound in honour to fulfil these conditions. He proclaimed them publicly; he made them known, not only to his subjects but to the Representatives of foreign Powers; nor is their fulfilment less his interest than his obligation. His German subjects in Schleswig ought to feel that they enjoy, under his rule, equality of rights with their Danish fellow-subjects. They will then feel a loyal attachment to the Danish Monarchy, and a sincere desire to preserve it unimpaired.

If, on the contrary, the education of their children at the common schools, and their worship at their parish church, is trammelled with vexatious regulations, and the Government appears to be animated by a desire to depress the nationality of subjects of German origin, unhappy consequences may follow.

Should the German Diet proceed to enforce its Resolutions of March last, the neighbouring Duchy of Schleswig is sure to be the scene of agitation, perhaps of tumult and revolt. In such an emergency, the King of Denmark will feel the value of having made such concessions to the German inhabitants of Schleswig as shall raise him above all suspicion of bad faith, and all charges of placing an intelligent and industrious portion of his subjects in a position of odious inferiority.

You will read this despatch, together with that to Mr. Lowther, to M. Hall, and give him copies of them.

I am, &c.
(Signed) J. RUSSELL.

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* Nos. 70 and 82.

No. 82.

*Lord J. Russell to Mr. Lowther.*

Sir, *Foreign Office, December* 8, 1860.

HER Majesty's Government have carefully considered the despatch of Baron Schleinitz to Count Bernstorff, of the 8th ultimo, of which a copy is herewith inclosed for your information.*

The first remark I would make upon that despatch is, that the Prussian Government appear to misunderstand the position of Her Majesty's Government in respect to the Memorandum delivered to the Court of Berlin. The propositions therein contained are the propositions of the Government of Denmark. Her Majesty's Government have not recommended them for acceptance; they have not even said that they might form the basis of a settlement: all that they have said, is that they hoped an opening for negotiation might be found in them.

A further remark I have to make is, that Her Majesty's Government by no means understood that the Holstein contribution proposed by Denmark was to be taken from Holstein without any power of inquiry as to its appropriation. On the contrary, they would have thought a demand on the part of Prussia that the contribution of Denmark to general and common expenses should be also a fixed sum, and that the States of Holstein should enjoy, to an equal extent with the "Reichsrath," a power of examining the appropriation of this sum, and to remonstrate against any malversation, would be a demand quite in conformity with the Danish Memorandum.

It is obvious that Denmark being an independent State must maintain its Monarchy, its army, and its navy, in a manner befitting its rank and position as such; nor can it be in principle unreasonable to ask that the States of Holstein and Lauenburg should contribute to maintain the Monarchy, the army, and navy of the kingdom.

Having endeavoured to remove this misapprehension, I will proceed to define the position of Denmark and that of Her Majesty's Government in relation to this correspondence.

It has been the desire of Denmark to show a willingness to conciliate, without admitting a right of intervention in the affairs of Schleswig on the part of the German Confederation.

The Danish Government have argued that as Great Britain could not be suspected of claiming any such right, it was more consistent with the position of Denmark to convey to Prussia their intentions in regard to Schleswig through the official medium of Great Britain, and if possible with her support, than to make concessions directly to the German Confederation.

The British Government, on their part, have not adopted the Danish propositions as their own, nor recommended them to the naked acceptance of the Prince Regent of Prussia and the German Confederation; but they confess that they take an interest in the integrity of the Danish Monarchy, and should be sorry to see the force of Denmark, which is not considerable, weakened or impaired.

With this view Her Majesty's Government would have been glad to see all parts of the Danish Monarchy fairly represented in a Parliament at Copenhagen. If that is unattainable, they would have been glad to see Denmark and Holstein assume an equitable portion of the burthens necessary to be borne for the maintenance of Danish independence.

The despatch of Baron Schleinitz of the 8th of November appears to reject this scheme of settlement, just as the former scheme of equal representation had been before thrown aside.

There remains to be considered the position of Denmark as regards the German Confederation.

The Duchies of Holstein and Lauenburg are German Duchies, and form part of the German Confederation. The laws of the German Confederation are applicable to them, and it will be for the Diet and the Duke of Holstein-Lauenburg to decide together what those laws require, and what should be their future destiny.

But with regard to the Duchy of Schleswig it is a Danish Duchy. The

* No. 70.

Memorandum of the Court of Berlin,* communicated to Her Majesty's Government on the 8th of July last, in giving the substance of an annex to the Vienna despatch of the 26th December, 1851, says: "The Imperial Government fully acknowledges the competence of the King to annul the former union between Schleswig and Holstein, as relates to administration and justice, and also this principle—that the authority of the Federal Law, and, therefore, also the competence of the Confederation, which arises from that alone, cannot have any force over a land not appertaining to the Confederation, and consequently not over Schleswig."

There appears here a distinct renunciation, on the part of Austria and Prussia on behalf of the German Confederation, of any competence to extend the Federal law over Schleswig.

Nevertheless, the Prussian Government now claims a right to interfere in Schleswig, in virtue of certain promises made by the King of Denmark in 1851.

Let us first remark the form of these promises, and next their nature.

In their form, the promises of the King of Denmark were made, in the first instance, to his own subjects. But the despatch of the Court of Vienna of the 6th of December, 1851, and the reply of the Danish Minister of Foreign Affairs, together with the nearly simultaneous proclamation of the King of Denmark, tend to invest these promises with the value, though not the exact form, of an engagement.

The Imperial Minister defines the meaning of the programme of the King of Denmark; asks for "the binding form of a declaration made at the command of His Majesty the King," and ends with a voluntary offer, upon those terms, to lay aside the mandate of Austria and Prussia, as representing the German Confederation, and to provide for the evacuation of Holstein.

On the 29th of January, 1852, the Danish Minister for Foreign Affairs made, "in furtherance of the authority conferred upon me from the highest quarter, the declaration that the King our Master acknowledges, as being in coincidence with his own, that interpretation of the supreme intentions communicated to the Courts of Berlin and Vienna, which is given in the despatch of the Imperial Court of Vienna of the 26th of December of last year, and the annex thereto," &c.

Next, as to the nature of the promises made. These are:—

1. The King of Denmark promises that there should be no incorporation of the Duchy of Schleswig with the kingdom, nor should any measure tending thereto be adopted.

2. The Proclamation of the 23rd of January, 1852, promises a constitutional development of the State of Schleswig, and that the law to be framed for that object will especially contain the necessary provisions for procuring a perfectly equal settlement, and effectual protection to the Danish and German nationalities in the said Duchy.

There can be no doubt, in the opinion of Her Majesty's Government, that these promises constitute an engagement which His Danish Majesty is bound in honour to fulfil. He is bound not to incorporate Schleswig with Denmark; to maintain in Schleswig representative States; and to protect the Danish and German nationalities in the Duchy of Schleswig.

But neither in form nor in substance, as its appears to Her Majesty's Government, do these promises give a right to Austria and Prussia, or to the German Confederation collectively, to interfere in all the details of administration in the Danish Duchy of Schleswig. If Schleswig were incorporated with Denmark—if Schleswig were deprived of its separate Constitution, Germany might claim a right to interfere. But if the regulation of each church and each school in Schleswig were to be the subject of interference by the German Confederation, it is clear that the sovereign rights of the King of Denmark would exist only in name.

Her Majesty's Government will always, on their part, use any influence they may possess with the Court of Denmark to secure the protection of the German inhabitants of Schleswig.

But when the Prussian Government refers to the sentiments recently expressed by Her Majesty's Government in behalf of Italian nationality, the Prussian Government must be reminded that there are in the Duchy of Schleswig

* Inclosure in No. 35.

140,000 Danes, and that the remaining population is not purely German; while neither in the States of the Church, nor in the Kingdom of the Two Sicilies, was there any mixed population of any other race with Italians.

In fine, whether we regard the form of the engagements taken by the King of Denmark towards Austria, Prussia, and the German Confederation, or whether we regard the susceptibilities of the Danish Government, the mixture of races in Schleswig and the just regards due to Germans and Danes alike, Her Majesty's Government are persuaded that there never was a question which more imperatively demanded a temperate consideration, or on which a beginning of strife would be more injurious to all the interests concerned.

I am, &c.
(Signed) J. RUSSELL.

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No. 83.

*M. Hall to M. de Bille.*—(*Communicated to Lord J. Russell by M. de Bille, December* 10.)

Monsieur, *Copenhague, ce* 20 *Novembre*, 1860.

PLUSIEURS fois le Ministre des Affaires Etrangères est revenu dans ses dépêches à Mr. Paget sur les procédés des autorités locales du Slesvig, nommément en affaires électorales.

D'après l'Article 19, No. 3, de la Constitution du Duché de Slesvig une des conditions dont dépend le droit d'être inscrit sur les listes électorales est, que l'individu ait la réputation intacte:—"Celui contre lequel on aura intenté un procès criminel, sans qu'il en ait été complètement déchargé, sera donc retranché des listes. Il en sera de même de ceux auxquels le Roi aura fait grâce en supprimant l'instruction et la punition des délits commis par eux, à moins qu'il ne plaise à Sa Majesté par un Acte Spécial de sa grâce de les réintégrer dans leurs droits électoraux."

A en croire les journaux Allemands qui selon leur habitude déclament avec le plus grand emportement contre tout ce qui se fait dans le Slesvig, sans règler un peu leur animadversion sur ce qu'ils voient tous les jours dans leurs propres pays, d'un côté l'administration se servirait de cette disposition comme d'une arme pour frapper tous ceux dont les opinions politiques ne seraient pas en parfaite harmonie avec les principes qui guident le Gouvernement, et de l'autre le Roi n'accorderait que très difficilement cette grâce dont dépend la réhabilitation politique du coupable.

Je sais par expérience combien il est difficile de combattre de telles appréciations qui, à force d'être répétées sans cesse, finissent par prendre la consistance de préventions invincibles. La presse est une tribune toujours ouverte qui domine l'opinion publique et, grâce à l'usage et la connaissance plus universels de sa langue, l'Allemagne en use à sa convenance, tandisque la voix de notre presse ne retentit guère au delà de nos frontières. Mais je compte sur l'esprit éclairé des hommes d'Etat Anglais et je m'en repose sur votre zèle, Monsieur, pour que cette lutte entre un aggresseur qui a tant d'armes à sa disposition et un défenseur qui n'en a que son droit ne soit pas trop inégale.

Pour vous mettre à même, Monsieur, de prouver à Lord John Russell combien il y a d'exagération et d'injustice dans le blâme qu'on a voulu infliger au Gouvernement du Roi en matière électorale, je vous ferai connaître la résolution la plus récente que le Roi vient de prendre à l'endroit de la ville de Husum.

En date du 21 Mai, 1849, l'adresse suivante fut présentée au Magistrat de cette ville:

"Les citoyens et habitants de la ville de Husum, en suivant leur intime conviction et en écoutant la voix de leur cœur, déclarent comme leur opinion bien arrêtée et leur vœu sincère—

"Que le Roi de Danemark, Fréderic VII, vu qu'il a déjà pour la deuxième fois envahi le Duché de Slesvig-Holstein d'une guerre injuste, est par là déchu de sa couronne Ducale; et

"Que l'union personnelle avec la nation Danoise ennemie est et restera abolie pour toujours.

"Les Soussignés ont la pleine conviction que le Magistrat et le Conseil Communal ont les mêmes vues sur ces questions. Mais ils ont voulu donner par leurs signatures à leurs représentants la certitude que le vœu exprimé est devenu

général aussi dans cette ville, et ils regardent comme assez justifiée leur prière que le Magistrat et le Conseil Communal veuille déclarer publiquement au nom de la ville de Husum, et porter à la connaissance de la Diète de Francfort, que la ville de Husum ne reconnaît plus le Roi Fréderic VII pour Duc de Slesvig-Holstein, et qu'elle désire que l'union personnelle avec le Danemarc soit dissoute à jamais."

Grâce à l'amnistie générale accordée par le Roi, cette adresse n'a pas été fait l'objet de poursuite criminelle ; mais, vis-à-vis des tendances manifestées des signataires, l'Administration a cru devoir retrancher ces individus des listes.

Par une Résolution Spéciale du 11 de ce mois le Roi a daigné spontanément leur rendre le droit électoral.

Voilà, Monsieur, des faits qui parlent plus haut par eux-mêmes que tous les raisonnements. Je ne doute pas que, lorsque vous aurez communiqué confidentiellement dans l'occasion ces données authentiques à Lord John Russell, ce Ministre ne reconnaisse pleinement que des personnes qui avaient proclamé la déchéance du Roi ne pourraient prétendre au droit de coopérer avec lui dans le gouvernement du pays, et que le Roi, en fermant les yeux sur une telle conduite, a prouvé combien il aime à couvrir par sa clémence les fautes de ses sujets. Ceci est un exemple parmi beaucoup, mais que l'un serve à apprécier les autres!

J'ai, &c.

(Signé) C. HALL.

(Translation.)

Sir, *Copenhagen, November* 20, 1860.

THE Minister for Foreign Affairs has alluded several times, in his despatches to Mr. Paget, to the proceedings of the local authorities of Schleswig, particularly in electoral matters.

According to Article 19, No. 3, of the Constitution of the Duchy of Schleswig, one of the conditions on which depends the right of being inscribed on the electoral lists is that the individual should have an unblemished reputation :—"The person against whom a criminal prosecution has been instituted, without his having been completely acquitted of it, shall, therefore, be erased from the lists. The same shall be the case with those whom the King has pardoned by suppressing the conviction and punishment of the crimes committed by them, unless it please His Majesty, by a special act of grace, to reinstate them in their electoral rights."

To believe the German newspapers, which, according to their custom, declaim with the greatest indignation against Schleswig, without slightly moderating their animadversion against that which they see every day in their own countries, the Administration, on the one side, makes use of this Regulation as an arm to strike those whose political opinions may not be in perfect harmony with the principles which guide the Government, and, on the other, the King only grants with great difficulty that grace on which the political reinstatement of the culprit depends.

I know by experience how difficult it is to oppose such ideas, which, by being incessantly repeated, end by obtaining the consistency of invincible prejudices. The press is a tribunal ever open, which commands public opinion, and, thanks to the more universal use and knowledge of her language, Germany uses it at her convenience, whilst the voice of our press has scarcely an echo beyond our frontiers. But I count on the enlightened spirit of Englishmen, and I trust to your zeal, Sir, to prevent this contest between an aggressor who has so many arms at his disposal, and a defender who has only right on his side, being too unequal.

In order to enable you, Sir, to prove to Lord John Russell how much exaggeration and injustice there is in the censure which it has been endeavoured to throw on the Government of the King as to electoral affairs, I will inform you of the most recent resolution which the King has taken on the subject of the town of Husum.

On the 21st of May, 1849, the following Address was presented to the Magistrate of that town :—

"The citizens and inhabitants of the town of Husum, following their intimate conviction, and listening to the voice of their hearts, declare as their fixed opinion and their sincere wish—

"That the King of Denmark, Frederick VII, seeing that he has already,

for the second time, invaded the Duchy of Schleswig-Holstein in an unjust war, is thereby deprived of his Ducal Crown ; and

"That personal union with the adverse Danish nation is and shall always remain abolished.

"The Undersigned are fully convinced that the Magistrate and the Communal Council have the same views on these questions. But they have wished by their signatures to give to their Representatives the certainty that the wish expressed has become general in this town also, and they consider as sufficiently justified their prayer that the Magistrate and Communal Council will declare publicly, in the name of the town of Husum, and will inform the Diet of Frankfort, that the town of Husum no longer recognises King Frederick VII as Duke of Schleswig-Holstein, and that it desires that personal union with Denmark may be for ever dissolved."

Thanks to the general amnesty granted by the King, this Address has not been made the subject of a criminal prosecution; but in view of the tendencies manifested by the signers of it, the Administration thought right to erase the names of these individuals from the lists.

By a special Resolution of the 11th of this month, the King has deigned of his own accord to restore electoral rights to them.

These, Sir, are facts which of themselves speak louder than any arguments. I doubt not that when you have taken an opportunity confidentially to communicate this information to Lord John Russell, that Minister will fully recognize that persons who had proclaimed the deposition of the King could not pretend to the right of co-operating with him in the Government of the country, and that the King, by shutting his eyes to such conduct, has proved how much he loves to cover with his clemency the faults of his subjects. This is one example among many, but let one serve for the appreciation of the others !

I have, &c.
(Signed) C. HALL.

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No. 84.

*Lord J. Russell to Earl Cowley.*

My Lord, *Foreign Office, December* 12, 1860.

I INCLOSE to your Excellency herewith, copies of despatches which I have addressed to Mr. Paget and to Mr. Lowther,* respecting the question of the Danish Duchies referred to in a letter from Baron Schleinitz to Count Bernstorff, a translation of which is likewise inclosed for your Excellency's information.†

Your Excellency will state to M. Thouvenel the substance of my instructions to Mr. Paget and to Mr. Lowther.

I am, &c.
(Signed) J. RUSSELL.

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No. 85.

*Mr. Lowther to Lord J. Russell.*—(*Received December* 17.)

My Lord, *Berlin, December* 15, 1860.

I COMMUNICATED to Baron Schleinitz this morning the views of Her Majesty's Government on the question of the Duchies of Schleswig and Holstein, as contained in your Lordship's despatch to me of the 8th instant.

Baron Schleinitz made but few remarks on this communication, and disclaimed any desire on the part of Austria and Prussia on behalf of the German Confederation to extend the Federal Law over Schleswig, but he said German nationality was not respected in Schleswig, and as things at present exist Schleswig is incorporated with Denmark. The King of Denmark entered into an engagement which he is bound to fulfil, for he promised that no such incorporation should take place, and therefore that Prussia and Germany could not be satisfied with the present state of things.

* Nos. 81 and 82. † No. 70.

With reference to that part of your Lordship's despatch in which your Lordship remarks, that if the regulations of each church and each school in Schleswig was to be the subject of interference by the German Confederation, it is clear that the sovereign rights of the King of Denmark would exist only in name, Baron Schleinitz expressed himself of your Lordship's opinion, for it would be impossible to interferewith such details. His Excellency also entirely agreed with the concluding part of your Lordship's despatch, in which your Lordship states that there never was a question which more imperatively demanded a temperate consideration, or on which a beginning of strife would be more injurious to all the interests concerned; and on that account, Baron Schleinitz expressed his earnest hope that it would not eventually be necessary to have recourse to force in this affair.

His Excellency asked me whether I could leave with him a copy of your Lordship's despatch. I replied I had no authorization to do so, but that I would bring the request to your Lordship's knowledge.

I have, &c.
(Signed) WILLIAM LOWTHER.

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No. 86.

*Lord J. Russell to Mr. Lowther.*

Sir, *Foreign Office, December* 19, 1860.

IN reply to your despatch of the 15th instant, I have to state to you that you are at liberty to give to Baron Schleinitz a copy of the despatch which I addressed to you on the 8th instant on the question of the Danish Duchies.

I am, &c.
(Signed) J. RUSSELL.

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No. 87.

*Mr. Howard to Lord J. Russell.—(Received December* 24.)

(Extract.) *Hanover, December* 21, 1860.

THE Address of the Brunswick Chamber to the Duke, in answer to the Speech of the Minister of the Interior on opening the Session, contains the following passage with reference to the affairs of Hesse Cassel and of Holstein; "If, on this occasion, we express the confident expectation that your Highness will likewise use your endeavours in order that the German countries in which at present the legal order of things is disturbed, may recover their just rights, it is because we entertain the conviction that should dangers threaten our common German Fatherland, a common and energetic course of action, and a general disposition to make sacrifices, can only then be expected, when every German brotherly race can, like ourselves, rejoice in the possession of its legal rights."

The feelings conveyed in this Address are, no doubt, those of the immense majority of the German people; but it would appear that the agitation of the German National League has had something to do with that simultaneous expression of them by so many public bodies which has lately taken place in different parts of Germany.

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No. 88.

*Mr. Howard to Lord J. Russell.—(Received December* 24.)

My Lord, *Hanover, December* 22, 1860.

IT will be known to your Lordship that the Prussian and Austrian Governments, in communicating to the United Committees of the German Diet, to which the motion of the Grand Ducal Government of Oldenburg on the affairs of Holstein had been referred, the answer which they had received from the Danish Government to their demand for explanations concerning the publi-

cation of the Danish Budget regulating the contribution to be paid by Holstein towards the common expenses of the Danish Monarchy, did not make any formal proposal of their own on that subject, and that the members of the Committees referred to their several Governments for instructions for their guidance.

In the meantime, however, as I have already had the honour of reporting* to your Lordship, the view of the Prussian Government, with which the Austrian Government concur, that the publication in question of the Danish Budget is, as regards Holstein, in contravention with the Resolution of the Diet of the 8th of March last, and that the Diet should call upon the Danish Government to declare, within four weeks, that they will not promulgate any new laws for Holstein without the consent of the States of that Duchy, has been confidentially communicated to the different German Governments, with a view to their instructing their Representatives at Frankfort in this sense; and to the Committees of the Diet, proposing a Resolution in harmony with it in their Report on the Motion of the Oldenburg Government.

The course thus recommended by the Prussian Government agreeing with the view which Count Platen has always taken of the question, and being indeed identical with that which he had himself suggested on a previous occasion, but which was not then adopted, will receive the support of the Hanoverian Representative at Frankfort, who is a member of the Committees, and will, no doubt, likewise be advocated by a majority of the Representatives of the other German Powers.

I have, &c.
(Signed) HENRY F. HOWARD.

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No. 89.

*Mr. Paget to Lord J. Russell.—(Received December 24.)*

My Lord, *Copenhagen, December 15, 1860.*

I HAD an interview with M. Hall the day after my return to Copenhagen, and again on the 13th instant.

His Excellency expressed much anxiety to possess the answer of the Prussian Government to the Memorandum containing the Danish proposals, and much disappointment at what he had heard of it, which appeared, he said, to be a complete rejection of the basis offered.

I asked M. Hall if, under these circumstances, the Danish Government had decided on any new course of proceeding. His Excellency replied that he did not see what could now be done but to await events; that it would be almost useless to negotiate directly with the Holstein States, who, aware of the rejection by Prussia of the bases proposed, and consequently assured of the support of the Diet, would of course not come to an agreement.

M. Hall said, however, that he had had some conversation with Baron Charles Plessen (President of the last Holstein Diet, and perhaps the most important member of it) during his stay in Copenhagen, which was more or less satisfactory, but it was now a question whether Baron Plessen would have influence sufficient to carry his views in the new Holstein Assembly, which, as far as was known of the elections which had taken place, was likely to contain a large majority of the ultra-German party.

I replied that, nevertheless, I thought there could be no doubt every effort ought to be made to come to an understanding with the States. If Baron Plessen would support the Danish views there certainly was a chance of success, and supposing the negotiations to fail the position of the Danish Government would only be what it is now.

I also urged M. Hall very strongly to make the necessary reforms in Schleswig at once, and without any reference whatever to the affairs of Holstein. I said I thought it would be far more dignified of the Danish Government to carry out their intentions with regard to this Duchy spontaneously than to make them conditional upon other arrangements; and I pointed out to M. Hall, as I have so frequently done before, how obviously it was both the duty and for the interest of the Danish Government to fulfil their engagements.

M. Hall did not make me any promise on this subject, but he spoke in a

* See No. 77.

manner which leads me to hope that he may perhaps act on the advice I gave him.

I have, &c.
(Signed) A. PAGET.

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No. 90.

*Mr. Paget to Lord J. Russell.*—(*Received December* 24.)

My Lord, *Copenhagen, December* 19, 1860.

I HAD the honour to receive on the 16th instant your Lordship's despatch of the 8th instant, inclosing a copy of a despatch from Baron Schleinitz to Count Bernstorff, and a copy of your Lordship's answer to it, addressed to Mr. Lowther.

On the following day I had an interview with M. Hall for the purpose, in compliance with your Lordship's instructions, of reading to his Excellency your despatch to me and your despatch to Mr. Lowther, and giving him copies of them.

Before I proceeded to read the despatch to Mr. Lowther, M. Hall informed me that he had not yet any knowledge of the Prussian despatch beyond that which he had gathered in the German newspapers; that he had understood from M. Bille he was to receive a copy of it through Her Majesty's Legation here, and he therefore requested me to read it to him, and to furnish him with the copy now. I could see no objection to this course, and I, therefore, complied with his Excellency's request.

M. Hall made no observation until I had finished reading the three documents. His Excellency then expressed his grateful acknowledgments to your Lordship for the interest you manifestly took in this question, and for the masterly manner in which you had handled it. He said that he certainly would not deny or attempt to diminish the importance of the engagements which had been taken by His Danish Majesty at the period alluded to in your Lordship's despatches; but it was his duty to remark that, although the engagement not to incorporate Schleswig with the kingdom, and to maintain in Schleswig representative States, from having been mentioned in the correspondence between Denmark and Austria and Prussia might perhaps have the value of an international obligation, the same could not be said with regard to the promise of equality to the two nationalities, which was to be found nowhere but in the Royal Patent of January 1852. He did not mean, he said, to imply that for this reason it should not be fulfilled, but only to assert the principle that Austria and Prussia had no right of interference in this case, as it might be said they had in the other two.

M. Hall then reverted again to the question of direct negotiation with the Holstein States, and repeated his fears of the little chance of success which such a course of proceeding, under present circumstances, appeared to offer. I replied that I thought the Danish Government would commit a great fault if they did not at all events have recourse to it. It was the only chance now, I said, of avoiding a Federal execution. The great difficulty, I continued, evidently lay in the fixed sum to be contributed by Holstein towards the common expenses, and the control which the States might be able to exercise over its appropriation, and I could not but think that this was a matter on which, by negotiation, an arrangement might be made. I said I could not share his Excellency's opinion that the present circumstances were unfavourable for negotiating on the subject. The Danish Government would do well to reflect on the serious consequences which a Federal Execution would bring with it, the first of which would be that the Monarchy would be at once deprived of all the resources which they now received from Holstein. A Federal army once in possession of that Duchy would, his Excellency might be assured, never leave it until the Danish Government had complied to the very utmost with what the Diet chose to interpret as the obligations they had taken, not only in respect of Holstein, but of Schleswig also. The peace of Europe might be endangered, and a very possible result might be a total separation of Holstein from the Monarchy. On the other hand, the prospect of having their country occupied by a foreign army would probably produce a conciliatory effect upon the Holsteiners themselves, who, as his Excellency appeared to think, and as my own information led me to believe,

had no desire to separate from the Danish Crown. Under these circumstances therefore I had no hesitation, I said, in advising the Danish Government most strongly to avert the dangers alluded to by losing no time in convoking the new Diet, and endeavouring to come to an understanding with it on the points at issue. But, I added, I was convinced it was at the same time absolutely necessary to ameliorate the state of things in Schleswig.

His Excellency had, I said, admitted the binding force of the engagements undertaken by Denmark; why not therefore, I inquired, approach the question manfully and frankly, and carry out the reforms which every one acknowledged to be necessary? The Danish Government might be assured, I said, that so long as they did not fulfil these engagements it was impossible for other Powers to plead their cause with effect.

M. Hall did not offer any objection to the above arguments. I may say, indeed, that he appeared to admit their truth and justice. He said that he had very great difficulties to contend with—and this I believe to be true—but that he would do what he could to overcome them. He said that it was undesirable that the Danish Diet and the Holstein Assembly should be sitting at one and the same time, but that the Session of the former would be over about the middle of January, and the latter should then be convoked.

Finally, M. Hall said it was his intention to reply to your Lordship's despatch through M. Bille, but that his answer might be delayed for a short time, as he was anxious, if possible, to accompany it by the communication to your Lordship of some practical proof that the Danish Government was not insensible to the interest which is manifested in this question by Her Majesty's Government, or deaf to the counsels which they have given.

From all I have heard since leaving England I am more than ever persuaded that unless something is done to prevent it, events will take the course which I indicated to your Lordship in the conversations with which you honoured me, viz., that the Decree of the Diet for Federal execution will be carried out at the expiration of the present financial period, and I shall therefore continue to use every exertion with the Danish Government to induce them to take such measures as may be best calculated to avert this great calamity.

I have, &c.
(Signed) A. PAGET.

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No. 91.

*Earl Cowley to Lord J. Russell.*—(*Received December* 29.)

My Lord, *Paris, December* 28, 1860

IN compliance with the instructions contained in your Lordship's despatch of the 12th instant, I communicated to M. Thouvenel the substance of the instructions inclosed in that despatch to Mr. Paget and to Mr. Lowther, respecting the question of the Danish Duchies; and his Excellency has since informed me that he concurs entirely in your Lordship's views, which are those which the Imperial Government has advocated since the commencement of this vexed question.

I have, &c.
(Signed) COWLEY.

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No. 92.

*Consul-General Crowe to Lord J. Russell.*—(*Received December* 31.)

(Extract.) *Leipsic, December* 28, 1860.

IN the belief that every fact likely to throw light on the present state of the Duchy of Schleswig will be of interest to your Lordship, I beg to inclose a précis of a Memorandum drawn up within the last few weeks, and giving a very precise idea of the actual state of opinion in the northern and southern portions of the Duchy. The Danish Government, no doubt, is averse from the idea of a partition of Schleswig, and in order to divert the attention of the Powers from this, the solution which, by Germany, is considered best suited to the temper of

the people and the necessities of the situation, they pretend that on the borders of the line of partition advocated by the Germans there is a piece of debateable land which is neither Danish nor German, respecting which it is impossible to say whether it would prefer to cast in its destinies with either.

The Memorandum of which the précis is inclosed, though written by a Schleswig-Holsteiner, establishes pretty clearly the fact that the line running through Bau, Medelby, and Hoyer, is the line which now separates the two nationalities. The elections of 1855 gave German members to the States of Schleswig from that line southwards. The churches and schools on that line and south of it were all in the hands of Germans in 1848. The efforts of Denmark to "danify" (a new German word) Schleswig south of the line of Bau, by prohibiting the German tongue in schools and churches, only rouses the German element to greater exertions.

As far as Schleswig is concerned, it is evident that partition is the course most naturally leading to a settlement. The people of the Duchies would hail such a settlement with satisfaction; Germany would accept it willingly, and the German Governments would see in it a termination of great perplexities. For it is not to be concealed that the question of the Duchies divides itself into two very distinct branches. The question has a national and a political side. I shall not weary your Lordship with a recapitulation of the promises made by Denmark in favour of Schleswig in 1850-51. It is sufficient to say that Germany—and by Germany I mean the whole German nation—has taken part with the Schleswigers, and that this is the national side of the question.

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Inclosure in No. 92.

*Précis of a Memorandum on the Present State of Feeling in the Duchy of Schleswig.*

THE Memorandum begins by stating that the north of Schleswig, *i. e.*, the district north of the line drawn by Bau, Medelby, and Hoyer, up to the Königsau, is perfectly devoid of German feeling and sympathies, which have always been carefully stifled by the Danish propaganda. Although the intelligent portion of the community in the towns are German, yet those towns are not of sufficient importance to be able to exercise any considerable influence on the rural districts.

Under such circumstances, it was an easy task for the Danish Government and the propaganda almost completely to destroy what sympathy, arising from community of interests, yet remained in North Schleswig for the South and for Holstein. This was shown in the year of the war of 1848-49, when the Provisional Government, anxious to know the state of feeling in the North, sent a confidential person to the districts of Apenrade, Tondern, and Hadersleben. The result of the inquiry showed that the people had either no ideas, or completely false ones, of what was taking place in 1848. The prevailing belief was that there was only one object in view, namely, the annexation of Schleswig to Prussia; the people seemed to be unaware that the struggle was on behalf of the whole of the Schleswigers, including necessarily those of South Schleswig; nay, they were so completely befooled by the Danish propaganda, that they believed there was an intention to enlist them as soldiers to fight against the Turks.

These perverted views are only to be understood if we remember how assiduously the influence of German education has been opposed. Formerly most of the North Schleswigers were enrolled into the German regiments, and quartered in German garrisons. King Christian VIII sent all the North Schleswig regiments to Denmark, where the propaganda lost no time in prejudicing them against everything German. At the same time, care was taken never to demand of North Schleswig that it should become a part of Denmark. The Northerns were rather designated as faithful subjects of the King—Danish Schleswigers, in fact.

An appeal was made to the character of this portion of the population, and to the Danish language, to which it was accustomed. The absence of national feeling was used by the Danes with so much tact that it became easy to induce the North Schleswigers to desire that they should only be considered as Danish Schleswigers.

On war breaking out, the young men of North Schleswig fled into Jutland, not for the purpose of serving in the Danish army, but in order to avoid serving altogether. The Danes wisely spared these people. The young men in the towns of Hadersleben and Apenrade took service in the Schleswig-Holstein army. South of the line of Bau, Medelby, and Hoyer, the Schleswig-Holstein army was received everywhere with open arms ; north of that line, it found the villages dead and the houses closed. In the South of Schleswig the war taxes were paid with alacrity ; in the North they were collected by force. To such a degree had Denmark succeeded in separating the North from the South at the death of Christian VIII. This was effected during periods when an appearance of paternal tenderness and care was kept up. The excellent administration of the law and of the government served to prevent North Schleswig from feeling the dependence to which it was being subjected.

That which the Crown of Denmark had assiduously laboured to bring about previous to 1850, it attempted to maintain, and almost succeeded in enforcing by revolutionary zeal in that year. Danish currency was introduced in place of that of Schleswig-Holstein ; officials, educated in Copenhagen, ignorant of civil or criminal law, were appointed in Schleswig—no regard was had, even to the moral character of these persons ; the taxes were increased, and an excise was levied on brandy, in order that the systems of taxation in Denmark and the Duchy should be assimilated ; lastly, the German language was totally suppressed in North Schleswig, so that it became impossible for fathers to educate their children without private tutors. Credit became so low that loans on mortgage could be obtained no longer from South Schleswig, whence money had hitherto plentifully flowed.

That this state of things failed to make Denmark more unpopular in North Schleswig generally (the *quasi* German towns of Apenrade and Hadersleben must be excepted), shows that Germanism has no root there amongst the mass of the population. There is, it is true, great bitterness and discontent of the Danish Government, but it is such a bitterness and discontent as might be felt in Denmark by oppressed Danes. The feeling of the people that they are Danish Schleswigers is so strong that they have no idea of improving their condition in the event of their becoming German.

As has been previously remarked, the contrast is striking in the country south of the line by Bau, Medelby, and Hoyer. Everything, indeed, tends to make this line daily more clearly defined, and to create, in the end, a total separation. Whilst the youth in the North accept the circumstances forced on them by the Danish Government, the reverse is the case in the South. There the rising generation, encouraged by its elders, perseveres in resisting everything Danish. It is even more German than its elders. In a short time, if circumstances remain unchanged, there will be the same difference between South and North Schleswigers as between Danes and Holsteiners. The Danish Government neglects nothing for this end. No newspaper which is not perfectly favourable to the Danish Government is allowed to appear. The learned German school in Hadersleben has been suppressed, and in its place a Danish one has been established, in which the German language is considered a foreign tongue. The clergy preach, not sermons on religious subjects, but essays in favour of Danish government. North Schleswig is further pecuniarily dependent on Denmark, because the introduction of the rixdollar, to which the people are not accustomed, tends to straighten trade, and thereby increases the price of commodities. Many peasants who were of old prosperous are now reduced in circumstances. The absence of a local Tribunal of Appeal in mortgages is one of the causes of depression. The necessity of title-deeds in Danish increases expense, and creates difficulties.

The monetary distress began soon after the South Schleswig capitalists ceased to give credit, and the Kiel money market refused supplies. Even the Flensburg Savings' Bank claimed its North Schleswig mortgages, and refused to lend any more money in that country. An appeal to Hamburgh proved unsuccessful. The South Schleswigers were thus forced to have recourse to the Danish officials, so as to obtain assistance from Danish capital by their means. Assistance of this kind is, however, only granted to those who are recommended as zealous Danish patriots. The recommendation of the "Amtmann" is more taken into consideration than the value of the security. The increase of the communal debt of the towns is also considerable.

The mainland of North Schleswig is yet, after all, better treated than the Island of Alsen, which is looked upon as a fortress, and from which everything German is carefully excluded.

Supposing the case that North Schleswig were permitted to decide on its fate by voting, it would refuse doing so unless in conjunction with the South; alleging as a reason that whichever way the result might go, it would be to the prejudice of the North, because it would be illtreated equally by Dane or German. But supposing that the whole of Schleswig were called upon to vote collectively, the result would vary according to the questions put. If in this form: "Do you desire to remain Schleswigers, or to be incorporated into Denmark?" the votes of the North, irrespective of the South, would be against incorporation. But if put so: "Do you choose to belong to Germany or to Denmark?" the majority of the North would undoubtedly be on the side of Denmark. The same result would be obtained if the North were to choose between Denmark and the restoration of Schleswig-Holstein, which has been represented to the Northerns as equivalent to an incorporation into the Germanic Confederation; of the disastrous consequences of this they have the most extravagant ideas.

The Island of Alsen would, under every circumstance, with scarce a dissenting voice, vote for incorporation with Denmark.

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No. 93.

*Count Gruner to Count Bernstorff.*—(*Communicated to Lord J. Russell by Count Bernstorff, January* 3, 1861.)

(Translation.) *Berlin, December* 29, 1860.

MY communication of the 8th of November last, with which I had the honour of forwarding to your Excellency the Memorandum of the Cabinet of London, relating to the discussions between the German Confederation and Denmark, has induced Lord John Russell, in a despatch of the 8th instant to Mr. Lowther, to give some further explanations as to the object and meaning of that Memorandum. I have, therefore, no hesitation to send to your Excellency herewith a copy of this despatch likewise, for the completion of my former communication.

As your Excellency will have understood from my communication of the 8th ultimo, we also have regarded the proposals contained in the Memorandum as proposals of the Danish Government. But we thought ourselves obliged to assume, on the whole, that England approved of them, not simply because the London Cabinet had shown its readiness to be the medium of communicating the same to us, but more especially because of that part of the Memorandum which expressly intimated a hope that Prussia would support them if they were brought forward at Frankfort.

To our satisfaction, we may understand from Lord John Russell's last despatch, that it was not the intention of the British Government to recommend the acceptance of the propositions of the Copenhagen Cabinet, nor even to mention them as suited to form the basis for a settlement.

It was also offered by the Danish Government that the contribution of Holstein to the common expenses of the Monarchy, which had been calculated hitherto upon its partial estimate, should be fixed once for all, and that this should be reckoned on the average amount of the last years. But in this it was expressly added that so long as there should be no necessity to increase this ontribution, no control should be allowed to the States of Holstein over the appropriation thereof. It must be obvious how unequal this would make the position of Holstein, compared with that of the territories represented in the Reichsrath; as the Reichsrath has to agree to the Budget in all its separate positions, and to superintend its appropriation.

Your Excellency will now see from the inclosure that the London Cabinet also did not understand that the States of Holstein should be deprived of the right to inquire into the appropriation of the contribution.

Lord John Russell says, in the further course of his despatch, that the British Government would be glad to see all parts of the Danish Monarchy fairly represented in a Parliament at Copenhagen, and, if this be unattainable, that the Kingdom and the Duchies should each bear a proportionate part of the

common burthens. We have not the smallest objection to this on our part. If, therefore, Lord John Russell thinks he should infer from my communication of the 8th ultimo, that we should reject a plan having this object, it can only arise from a misunderstanding, as must be the case if it be supposed that we rejected in a former instance the plan of an equal representation of the different parts of the territory; on the contrary, we have always urged that the promise given, according to which the Monarchy should have a constitution in which the individual portions of the country should hold a position of equal right with one another, should finally be fulfilled.

We have been especially satisfied by the last part of the despatch of the 8th instant, in which the British Government does not hesitate to acknowledge expressly the existing international obligations of Denmark towards the German Confederation, in respect of Schleswig, which have, on the part of Denmark, hitherto been constantly denied. It is a matter of course that these obligations cannot involve any interference of the Confederation with the details of the administration; but, indeed, no interference of this nature has hitherto ever been claimed.

We feel ourselves assured that the candid intimation to us of Lord John Russell's conviction, in reference to Denmark's obligations on account of Schleswig, cannot fail to have its influence on the Cabinet of Copenhagen, the more especially as the latter can have no doubt that the English Court is unprejudiced in the question, and that its dispositions are benevolent and amicable.

One word more in conclusion, to which I am led by an observation of Lord John Russell towards the close of his despatch.

When I, in my communication of the 8th November, made a reference to Lord John Russell's despatch to Sir James Hudson, then recently issued, my allusion was not intended to be to the principles therein expressed, as to the right of the nationality, but rather to the principles respecting the right of a people in regard to its Government. I must look to those principles for a security that England will interest herself also for the rights of the States of Holstein in regard to their Government.

Your Excellency will communicate the contents of this despatch confidentially to Lord John Russell, with assurances of our thanks for the explanations given to us.

By direction,
(Signed) GRUNER.

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No. 94.

*Sir A. Malet to Lord J. Russell.—(Received January* 10.)

My Lord, *Frankfort, January* 7, 1861.

I HAVE learnt that the project of arresting the Diet's proceedings in the matter of the Danish Duchies has not been approved at Berlin, and that no further delay will be allowed in dealing with the question vigorously, that instructions have arrived here to hasten the steps which must necessarily precede execution, and that the Mixed Commission will deliberate to-day on the numbers and description of forces to be employed in the occupation of Holstein and Lauenburg.

I am informed that one division of not less than from 15,000 to 16,000 men will be the effective employed on this service, and it is hoped that so large a force will preclude all idea of armed resistance.

A preliminary summons to Denmark having been already given in February 1858, the formalities to be gone through (after the vote of the Diet), which will not, I believe, be taken before Thursday, the 10th instant, will be the choice of the State which will have to carry out the measure of execution. This State will then have to name one or more Civil Commissaries, and must notify the intention of military occupation to the Danish Government as about to take place within a certain time.

This term, it is generally believed, will be three weeks, and in the case of non-compliance on the part of Denmark with the Diet's demand, the Civil Commissaries would, at the expiration of that time, enter the Duchies under escort of troops, and establish a Provisional Government.

There is no doubt but that Prussia will be fixed upon as the State which will have to furnish the troops.

Your Lordship will see that the time allowed before irrevocable steps will be taken is brief, and in the dispositions shown by the Prussian Cabinet, it would seem that there was no chance of avoiding extremities but by Denmark making concession to Holstein of the financial autonomy demanded by the Diet on behalf of this Province.

I cannot learn that there will be any question of Schleswig at preseut.

I have, &c.

(Signed) A. MALET.

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No. 95.

*Sir A. Malet to Lord J. Russell.*—(*Received January* 14.)

(Extract.) *Frankfort, January* 11, 1861.

THE Diet held no sitting yesterday, M. von der Pfordten, the Reporter of the Committee on the Oldenburg proposition of 26th July, 1860, not being quite ready with his Report.

I learn that it will not be submitted to the Diet till Thursday next the 17th instant.

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No. 96.

*Mr. Murray to Lord J. Russell.*—(*Received January* 14.)

My Lord, *Dresden, January* 11, 1861.

I HAVE the honour to transmit herewith, for your Lordship's information, the translation of M. de Beust's speech on the Holstein question in the Saxon Chambers, on the 7th instant.

I have, &c.

(Signed) CH. A. MURRAY.

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Inclosure in No. 96.

*Speech of Baron de Beust in the Saxon Chambers, January* 7, 1861.

(Translation.)

THE more I consider myself justified in taking for granted that the proposal we have just listened to meets with unanimous and undivided applause in this august Assembly, the less do I think it right to leave it a doubtful matter that the proposal represents, in its most material points, the views and intentions of the Government, which need not hesitate, therefore, to declare its thorough acquiescence in the line of conduct approved by this House.

It is well known that the Confederation must very soon come to some definite resolution in the matter, because, in consequence of the notorious proposal of the Government of Oldenburg, to which the Proclamation of the Danish Government, at variance as it was with the last Resolution of the Confederation of the 8th of March of last year, had given occasion, the Report of the United Committees is shortly to be looked for.

The Prussian Government has, in a way for which we have reason to be grateful, according to previous arrangement and in concert with Austria, given increased force to the consultations of these Committees. The disclosures which she has made on these points to the German Governments have met with universal approbation and countenance, and it is therefore scarcely a matter of doubt that the Report of the Committees will be framed in the same spirit, and the Resolution be of a corresponding nature. It is likewise, therefore, to be anticipated that the Prussian Government, which especially takes the lead in this question, will know how to give equal force to the Resolution to be taken. If the same Government, without letting any injury accrue to the steady pursuit of

the end to be aimed at, takes the lead, not without conscientious weighing and consideration of all the concomitant circumstances, such a line of conduct merits not only justification but approbation, and the idea of a reproof is therefore certainly present to no German Government, and this would indeed be most unjust when coming from the people of Germany.

I must, nevertheless, throw particular emphasis on the point that the difficulties which have to be overcome, the doubts to be suppressed, the contests to be fought out—that all this lies entirely out of Germany, not in Germany; the Constitution of the Confederation, whatever may be its defects, has never been an impediment in this question, and is not so at present; and that Prussia may be certain of seeing all the other German Governments on her side in this question, not only in the sense that they are ready to vote with her, but also ready to act with her, and, if necessary, to go into the field with her. I do not scruple to declare this in the name of the Government of this country, and am convinced that I shall expose myself to no refutation if I assert the same of every Government in Germany.

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No. 97.

*Mr. Ward to Lord J. Russell.*—(*Received January* 14.)

My Lord, *Hamburgh, January* 11, 1861.

I AM not yet able to inform your Lordship that any time has been fixed for the meeting of the States of Holstein, who, it was at first expected, would be summoned to assemble in the course of the present month.

The Danish Minister for Holstein, M. Raaslöff, lately made a tour in the Duchy, which extended to Altona, and conferred with a variety of persons on the situation of affairs. He has, I am told, satisfied himself of the inutility of assembling the States just now, and the Danish Government will, probably, wait the result of the motion pending before the Federal Diet, which may lead to an army of execution being sent into the Duchy in the course of the spring. This motion was made by Oldenburg on the 26th of July last, and charges Denmark with having violated the Federal Resolution of the 8th of March last by issuing a financial law for Holstein during the continuance of the "provisorium" previously agreed to on both sides.

There appears to be no doubt that this motion of Oldenburg will receive the concurrence not only of Prussia, but of all the other German States, and that they are united in considering Denmark to have violated the compact, in consequence of which the Executory proceedings against the King-Duke were stayed last year.

The Danish Crown will, therefore, be placed in a serious position, having no hold whatever in the Duchy of Holstein, or even the semblance of a party to support its acts.

Of the fifty-one Deputies to the States who were chosen at the general election, only one (a Government Agent) can be counted on as a supporter of the Danish Administration; and, although twenty-nine of the fifty-one were new members, these are known to be as strongly opposed to the Administration as the former members whom they had replaced. It would, therefore, be wholly useless for the the Government to assemble the States with the view of submitting to them any propositions whatever in furtherance of the line of policy hitherto pursued by Denmark in regard to the Duchy.

In Schleswig a general election has also lately taken place of Deputies to the next Assembly of the States of that Duchy. The number to be elected was forty-three, and of the Deputies chosen it is announced that twenty-five belong to the German and eighteen only to the Danish, or Ministerial party. The latter is said to have gained three votes by these elections, but still remains in a decided minority, so that if the States were assembled the Government would not be better able to influence them than it was last year.

The States of Schleswig are, therefore, not likely to be assembled this year, and the Government will, doubtless, defer this meeting as long as possible, considering its own helplessness, and the strong and universal discontent of the German population of the Duchy.

I have, &c.

(Signed) J. WARD.

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No. 98.

*Mr. Paget to Lord J. Russell.—(Received January 16.)*

My Lord, *Copenhagen, January 11, 1861.*

I HAVE the honour to transmit to your Lordship translations of two Decrees, bearing date the 9th instant, relative to certain changes in the laws of Confirmation and Education in the Mixed districts of the Duchy of Schleswig. Their purport may be shortly stated as follows:—

The first Decree relates to Confirmation, which is divided into two parts—the one religious, the other civil.

The religious ceremony may be performed in the language chosen by the parents of the person to be confirmed. Up to this time the ceremony had to be performed in Danish.

As the religious, as well as general, instruction in the Schools of the Mixed districts is given in Danish, the examination preliminary to the religious ceremony will take place as heretofore in that language; but should the parents object to this, they will be free to take their children to another parish (where the language of the School is German), and have them religiously instructed and examined in German, and then bring them to their own parish for confirmation. This has hitherto been forbidden, except where special permission was granted.

The second Decree empowers persons to choose private instructors for their children without reference to the authorities of the parish, and to have them instructed in the language of their own choice, subject only to the condition that both the instructors and instructed should, on being required, submit to examination in the language they have chosen, at Special and General Church Visitations.

As I hope to have an opportunity of addressing your Lordship next week by the messenger, I do not think it necessary to add anything further by the post to-day.

I have, &c.
(Signed) A. PAGET.

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Inclosure in No. 98.

*Royal Patent concerning Confirmation of Candidates in Schleswig.*

(Translation.)

HIS Majesty has been graciously pleased, by a Resolution of the 4th instant, to decree the following Regulations for the Confirmation of Catechumens:—

1. The Regulations contained in the Patent of August 12, 1820, whereby the appointed public examination of candidates for confirmation is to take place on the day of confirmation and previous to the confirmation, are annulled; and the two acts shall henceforth be distinct, and shall take place on different days.

2. Whilst that language which in each place is the language of public education is still to be used for the instruction and examination of candidates for confirmation, as regards the acts of confirmation there shall be applied those Regulations for religious acts which were laid down (February 15, 1854) in Annex A with reference to the Decrees concerning the Constitution of the Duchy of Schleswig.

3. The Circular published by the former Schleswig Upper Consistory at Gotthorp, February 25, 1831, whereby the Regulations relative to confirmation of children out of their own parish were enforced and more clearly defined, is annulled; and it will henceforth, consequently, be open to every one to let his children be confirmed out of the parish without requiring a permit from the clergyman of his parish.

The above is published for the information and instruction of those concerned.

Given at the Ministry for the Duchy of Schleswig, Copenhagen, January 9, 1861.

(Signed) WOLFHAGEN.

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*Circular to all the Church Visitors in the Duchy of Schleswig.*

Having received the desired information (January 21 and March 21 of last year) relative to the procedure respecting the exercise of the control devolving on Church Visitors and School Inspectors in the choice of tutors at home, and the instruction given by them, the Ministry sees fit to lay down the following Rules for the regulation of these matters:—

1. It shall for the future, as hitherto, be free to every family to allow its children to be instructed by teachers at home. The language of instruction used in this home education depends entirely on the parties concerned.

2. The children, for whose instruction suitable care is taken, are furthermore, as hitherto, exempt from attending the Public School, The parties concerned have only previously to make the necessary announcements to the District School-Inspector and Schoolmaster, who will make a note of it on the School-Lists.

3. Those who let their children be educated at home by tutors are obliged, on requiry, to allow these tutors, as well as the children, to meet for examination at the Special and General Church Visitations.

The language which has been adopted by the parties concerned as the language of education is to be used also at the examination.

4. If the tutors and children, on being summoned, abstain from appearing at the examination, without showing any insurmountable obstacle to their so doing, or if they are not considered to possess the same degree of knowledge and proficiency in the prescribed subjects as children of the same age on an average obtain in the School, their exemption from attendance at the Public School ceases, and they cannot again, without special permission, be taken from school to be educated at home.

The above is communicated for the information and instruction of parties concerned.

*Ministry for the Duchy of Schleswig, Copenhagen, January* 9, 1861.

(Signed) WOLFHAGEN.

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No. 99.

*Earl Cowley to Lord J. Russell.—(Received January* 18.)

My Lord, *Paris, January* 17, 1860.

I HAD some conversation a day or two ago with M. Thouvenel respecting the proceedings of the Diet at Frankfort with reference to the military occupation of the Duchies of Holstein and Lauenburg.

M. Thouvenel expressed himself as of the opinion that this was a matter which regarded the internal constitution of the Germanic Confederation alone, but he seemed to be under the impression that before a Federal Execution could take place, the Dukes of Holstein and Lauenburg must receive three several summons to conform to the Resolutions of the Diet.

I have, &c.

(Signed) COWLEY.

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No. 100.

*Lord J. Russell to Earl Cowley.*

My Lord, *Foreign Office, January* 19, 1861.

I HAVE received your Excellency's despatch of the 17th instant, reporting the substance of a conversation which you had had with M. Thouvenel respecting the proceedings of the Diet at Frankfort in regard to the military occupation of the Duchies of Holstein and Lauenburg, and I have to state to your Excellency that Her Majesty's Government agree with M. Thouvenel in the opinions which he has expressed on this subject.

I am, &c.

(Signed) J. RUSSELL.

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No. 101.

*Sir A. Malet to Lord J. Russell.*—(*Received January* 21.)

My Lord, *Frankfort, January* 17, 1861.

I HAVE ascertained that M. von der Pfordten will present his Report in the ordinary sitting of the Diet held this day.

There was a wish in some quarters to fix Thursday next the 24th instant for voting on the subject, but I have reason to believe that the vote will not be taken earlier than the 31st.

I hope in a day or two to be able to inform your Lordship what course M. von der Pfordten recommends. Its tendency admits of no doubt, and the language lately held by M. de Beust in the Saxon Chambers, and the speech of the King of Prussia on opening those of Prussia, point to the adoption of vigorous measures.

I understand, however, that in case all the preliminary steps for Execution in the Danish Duchies are taken according to rule, and that no dilatory motives are admitted, either on the Diet's part, or from consideration of Danish proposals, the actual Execution cannot take place sooner than the beginning of April.

I have, &c.

(Signed) A. MALET.

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No. 102.

*Sir A. Malet to Lord J. Russell.*—(*Received January* 21.)

My Lord, *Frankfort, January* 18, 1861.

WITH reference to my despatch of yesterday's date, I have the honour to acquaint your Lordship that the conclusions of M. von der Pfordten's Report invite the Diet to decree nearly as follows:—

1. That the Patent of the 25th September, 1859, for the Duchies, together with all regulations for the Budget of the Duchies, are to be regarded as null and of no effect, as being put forward without the assent of the Provincial Diets ("Stände") which they concern; and the Budget for the current year 1861, from the 1st of April, can only be brought in with the concurrence of the two Duchies.

2. That the Royal-Ducal Government be required to declare in what manner it has complied with the German Diet's requirements of the 8th of March, 1860, in reference to the "provisorium."

3. That, in case such declaration is not supplied within six weeks in an entirely satisfactory manner, the mode of proceeding initiated by the German Diet's Decree of the 12th August, 1858, be carried out.

I can with confidence lay before your Lordship these particulars, as giving the gist and purpose of the conclusions of M. von der Pfordten's Report.

I have, further, the honour of stating, that an interval of three weeks has been fixed for the vote of the Diet to be taken thereupon.

I need not point out to your Lordship that the third paragraph points to military execution.

The Diet has shown moderation in not precipitating its proceedings, and it may be hoped that the interval of nine weeks will afford room for inducing both sides to listen to terms of amicable arrangement.

I have, &c.

(Signed) A. MALET.

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No. 103.

*Mr. Howard to Lord J. Russell.*—(*Received January* 21.)

My Lord, *Hanover, January* 19, 1861.

YOUR Lordship will no doubt have been already made acquainted with the proposals which were submitted to the German Diet on the 17th instant by the United Committees charged to report upon the motion of the Government of Oldenburg of the 26th of July last, relative to the affairs of Holstein, and upon

which a vote is to be taken in three weeks; their purport being that the Diet should not recognize the legality for Holstein of the Danish Patent of the 25th of September, 1859, and the financial Laws emanating from it, because they were issued without the sanction of the Holstein States, and should call upon the Danish Government, under pain of the enforcement of the suspended Federal Execution, to give, within six weeks, a satisfactory declaration concerning their intention to fulfil the provisions of the Resolution of the Diet of the 8th of March, 1860, according to which no new laws should be promulgated for Holstein during the provisional state of things without the consent of the States of that Duchy.

The vote of the Hanoverian Government will be given in favour of these proposals, which, emanating in the first instance from the Prussian Government, appear to have been approved by the other purely German Governments.

Count Platen does not believe that, unless the Danish Government should be desirous to bring on a conflict, anything serious will be the result of the adoption of the proposals. His Excellency thinks that the Danish Government will not find it difficult to return such a reply as will induce the Diet still further to suspend the Federal Execution. He considers it as not unlikely that they will promise to submit the pending questions to the Holstein States.

I have, &c.

(Signed) HENRY F. HOWARD.

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No. 104.

*Lord J. Russell to Mr. Fane.**

Sir, *Foreign Office, January* 22, 1861.

YOU are instructed to ask the Austrian Minister for Foreign Affairs what would be the precise object of a Federal Execution in Holstein, supposing Dsnmark should not yield to the demands of the German Confederation.

I am, &c.

(Signed) J. RUSSELL.

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No. 105.

*Mr. Paget to Lord J. Russell.—(Received January* 25.)

My Lord, *Copenhagen, January* 17, 1861.

IT would be trespassing at too great a length upon your Lordship's time if I were to give you a detailed account of my interviews with M. Hall since the date of my last despatches.

The object of my endeavours has been to induce the Danish Government to take measures to avert the danger of an Execution in Holstein—a danger which has now become imminent.

Acting under the conviction which I have always had, that the more thoroughly the Danish Government fulfilled their engagements in regard to Schleswig the more easy would become the negotiations with the Diet respecting Holstein, and the less prone the Diet would be to take extreme measures, I have renewed my representations to M. Hall on the subject of the former Duchy, and urged him to deal with the question of the nationalities in the most liberal spirit.

I have invariably kept in view and reminded M. Hall of the words of your Lordship's recent despatch, namely, that whatever may be the international value of the engagements entered into, the King of Denmark is bound in honour to fulfil them.

I have warned M. Hall of the gravity of the crisis that was coming on, and I have put to him this question, "Are you prepared to prove to Europe, if the question becomes an European one, and you look to foreign Governments for assistance, that you have faithfully and honestly acted up to what you have promised?"

* Similar despatches were addressed on the same date to Her Majesty's Representatives at the other German Courts.

The door to discussion respecting the affairs of Schleswig having been closed for the moment by M. Hall having stated to me that the measures announced in the Decrees of the 9th instant respecting confirmation and private tuition (inclosed in my despatch of the 11th instant) were all that could now be done by the Danish Government, I have since confined myself, in my conversations with his Excellency, to the question of Holstein.

Before, however, relating what has taken place on this subject, I would beg leave to make one or two remarks with reference to the Decrees just alluded to. It would be vain to hope that the measures therein announced will be sufficient to satisfy the German Powers, or be taken by them as a full accomplishment by Denmark of the promise to place the two Nationalities on an equality.

Nevertheless, they are a step in the right direction, and when allowance is made for the difficulties which the Danish Government has to encounter in dealing with this question from the political party who supports them, they are perhaps as much as one had any reason to hope they would concede at this moment.

I endeavoured to get M. Hall to make them more complete by changing the existing regulations respecting the education in the schools, but this I found, as heretofore, totally useless. There were, as your Lordship will remember, two other points in the Memorandum respecting Schleswig which was communicated to Berlin, namely, the restitution of political rights to certain attainted individuals, and the right of association between Holsteiners and Schleswigers for non-political purposes.

My endeavours to obtain the carrying out of these concessions were met by M. Hall in the following manner :—With regard to the first he said that the elections in Schleswig being just over, the measure would not have any effect for the next six years, and its publication now would therefore probably be considered as a mockery and produce a bad instead of a good effect.

With reference to the second point M. Hall said, that although there was no law to prevent the inhabitants of the two Duchies from joining Societies already in existence, the Danish Government could not, at a moment when there was so much agitation, grant permission for new Societies to be formed, which under the guise of scientific pursuits would become the hotbeds of political intrigue.

I now revert to the question of Holstein. I informed your Lordship in my despatch of the 19th of December, that I had already urged M. Hall to convoke the Holstein States, and to endeavour to come to a direct understanding with them on the question of the Budget. This advice I continued to give with more or less success, but without ever receiving any positive reply until I was informed by M. Hall on the 12th instant of the nature of his intelligence from Frankfort, which I made known to your Lordship in a telegram of the same date. In addition to the information therein contained I understood from M. Hall that four weeks only were to be allowed to Denmark to reply to the summons of the Diet. This information has been since modified; but supposing the first account to be correct, it was evident that there was now not sufficient time for an attempt to negotiate with the Holstein States.

The only course, therefore, for the Danish Government to pursue if an Execution was to be avoided, was to prepare themselves to acquiesce at once in the demands of the Diet, and this advice I tendered to M. Hall.

His Excellency said that before taking any decision he must wait for further details from Frankfort, for that he did not as yet know on what the proposal for an Execution was grounded.

Reasonable as this reserve appeared to be, I could not help remarking that considering the Resolution of the Diet of the 8th of March last, it was perhaps hardly necessary to wait for ulterior information to arrive at the conclusion that the proposal for Execution was for the purpose of forcing the Danish Government to conform to the Decree of the Diet respecting the control to be exercised by the Holstein States over the Budget for the common expenses of the Monarchy, and if I was right in this conjecture I could only advise the Danish Government to be prepared to acquiesce in the demand.

M. Hall, after some discussion, gave me to understand that if this was the only point put forward, he would personally be disposed to yield; but if a decision from Denmark was required upon the definitive position for Holstein in the Monarchy, he could only say it was asking a thing which was impossible, which the Prussian Cabinet knew to be so, and which was in direct contra-

diction to the expressed opinion of the Holstein States, who, in their Report of March 1859, had recommended a temporary arrangement to prepare the way and give time for the discussion of the permanent one.

In speaking of the question of the Budget, I made use of arguments to the following effect:—

"The reason why you object to give the Holstein States the same control over the common expenses of the Monarchy as is possessed by the Rigsraad, is the fear that they will refuse you some of the votes you require. It is not the principle of a deliberative voice you object to, because by your own proposal you grant them this, supposing you call on them for more than the sum you have fixed as their quota of contribution. Now I will suppose that instead of 850,000 dollars, as you propose, they only consent to give you 600,000. In this case you will no doubt be put to inconvenience. You may have to retard the progress of your fortifications, or the building of some ship: but is this inconvenience worth a moment's consideration in comparison with the consequences of an Execution? In this case you will not only be deprived of every single dollar from Holstein, including the normal Budget, amounting to above 2,000,000 dollars, but in addition you will have to keep your army on a war footing; the resources of the country will be crippled, and the operations of commerce arrested. In a financial point of view, therefore, you will evidently be losers if the Execution takes place; and since you are ready to admit the entire competence of the Holstein States in matters concerning persons and property, I cannot but think you would do wisely to acknowledge it to the same extent in regard to finance."

M. Hall having in the course of his observations alluded to a guarantee from the Great Powers against further encroachments on the part of Germany, in the event of Denmark yielding to the present summons of the Diet; and having stated his conviction that the ultimate aims of Germany were directed to other parts of the Monarchy beyond their competence, I replied that, as he was well aware, so long as the action of the Diet was confined to Holstein, the Great Powers could not interfere; that the question was between the Duke of Holstein, not the King of Denmark, and the Confederation. "Holstein being subject to the laws of the Confederation, it is," I said, "to quote from Lord John Russell's despatch which I communicated to you, 'for the Duke of Holstein and the Diet to decide together what those laws require, and what should be the future destiny of the Duchy.'" And with regard to the conviction he had expressed as to the ultimate aims of Germany, I suggested the expediency of averting this danger by taking such measures as would deprive the Confederation of a legitimate excuse for sending their troops into Holstein.

M. Hall contested the possibility of making the distinction above-mentioned in the character of the King of Denmark, and repeated that the measures to be taken by the Danish Government must depend upon the nature of the summons addressed to them.

I believe that I have now given your Lordship a faithful account of the substance of what has passed between M. Hall and myself in our various conversations; and I can only express the hope that the language I have held may be in conformity with the views of Her Majesty's Government. It has been dictated by a sincere regard for the interests of this country, and by a desire to do what lies in my power to prevent another complication being added to those already existing in Europe.

I have only to add, that I have been in communication with my French, Russian, and Swedish colleagues on the matters alluded to in this despatch; and I have every reason to believe that their language to M. Hall has been the same as my own.

I have, &c.
(Signed) A. PAGET.

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No. 106.

*Mr. Paget to Lord J. Russell.*—(*Received January* 25.)

My Lord. *Copenhagen, January* 18, 1861.

THE recent intelligence from Frankfort has caused much excitement and agitation in this country.

The Government, while waiting for further information from the Diet, is preparing measures of defence. At the Council, presided by the King, the day before yesterday, a levy of 6,000 seamen was ordered, and the battalions on furlough are to join their regiments.

A Political Club, under the auspices of Baron Blixen, was formed a few days ago, and issued the following programme :—

1st. To oppose every attempt to allow foreign countries to advise concerning the internal affairs of the Kingdom of Denmark.

2ndly. To oppose every sacrifice of Danish nationality in South Jutland (Schleswig), and to strive for the introduction into that part of the Kingdom of freedom in union with the fundamental law of the Kingdom of Denmark, of the 5th June, 1849 (in other words, incorporation of the Duchy).

This Club has since been dissolved, and another one formed, with Baron Blixen, Colonel Tscherning, who represents the Democratic faction of the "Rigsraad," and M. Madrig, the President of that Assembly, at its head, with the avowed object of supporting the Government in all measures of resistance against oppression.

Some of the newspapers advise a stand being made against the Federal troops in Holstein, and not to wait for the course of events to bring them across the Eider.

I have, &c.
(Signed) A. PAGET.

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No. 107.

*Mr. Paget to Lord J. Russell.—(Received January 25.)*

My Lord, *Copenhagen, January* 19, 1860.

M. HALL having to attend the Folkething is unable to receive me to-day. I understand, however, from M. Vedel, the Under-Secretary for Foreign Affairs, that the Government have received no advices from Frankfort relative to the proceedings in the Diet the day before yesterday.

The Prussian Minister has, however, received a despatch stating that the Report of the United Committee had been presented to the Diet. The tenour of this Report is that the Danish Patent of September 25, 1859, and Finance Law of 1860, being illegal, because they were issued without the consent of the Holstein States, Denmark should be required to adhere to the Resolution of the Diet of March 8, 1860.

If the Report is adopted, six weeks will be allowed to Denmark to reply.

The version taken from the Danish papers, which I sent to your Lordship last night, is different, it being therein stated that the vote had taken place, and the inference to be drawn naturally was that Denmark had only six weeks, from the 17th instant, to decide.

I have, &c.
(Signed) A. PAGET.

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No. 108.

*Mr. Ward to Lord J. Russell.—(Received January 25.)*

My Lord, *Hamburgh, January* 23, 1861.

DURING the last fortnight the prevailing excitement in Holstein has been increased by the publication of the proceedings of the Federal Diet on the 17th instant, which render the appearance of an Army of Execution in the Duchy more likely than ever, and by the intelligence of the active preparations for war now making at Copenhagen.

The recommendation of the Federal Committee to the Diet to enforce the Resolution of the 8th of March, 1860, leaves little doubt that the Federal body will not allow itself to be much longer trifled with; and although an impression is prevalent that Denmark will, at the last moment, make some apparent concessions as a pretext for delay, it seems impossible for the Germanic body to recede upon the question of principle, for the real point at issue is not so much whether

Holstein shall, in the current year, contribute 100,000 dollars more or less to the general wants of the Monarchy, but whether the States of the Duchy shall, or not, have a decisive voice as regards their own finances, and the management of their internal affairs.

An incident has occurred of a nature calculated to increase the unpopularity of the Government, and to add to the uneasiness of men's minds in the Duchy. The Danish Minister for Holstein and Lauenburg has, by an Ordinance dated the 16th of January instant, suppressed the German National Society, and prohibited its meetings within both Duchies, on the ground that at a meeting of the Society, held at Kiel on the 13th preceding, it had been unanimously resolved to agitate, not only for the closest accession to Centralized Germany, but for the restoration of the union betweeen the Duchies of Schleswig and Holstein.

It appears that the German National Society (which has been working for the last two years in most of the German States for national unity, and the establishment of a Central Power under Prussia instead of the Federal Diet) has a branch also in Holstein, and that its members have taken the opportunity of the present political conjuncture to raise the demand for a revival of the ancient connection between the two Duchies. They have insisted also upon various reforms applicable to their internal condition, such as a revision of the Electoral Law, the cessation of all arbitrary acts of power on the part of the Administration, the liberty of the press, and the restoration to the inhabitants of the right of petition and of public meetings, declaring, however, at the same time, that these reforms would be worthless without national independence, and the complete political union of the two Duchies.

The reformers in Holstein are, of course, well aware that, in so far as they aim at the union of the Duchies, their object is contrary to the existing stipulations between Denmark and the Germanic Confederation, and contrary to the rule of separation between the Duchies established by the Royal authority in pursuance of those stipulations. But the reformers expressly state in their programme that they will operate by legal means only, in the same way as the National Society aims at the realization by legitimate means, throughout Germany, of the idea of the political unity of the common country.

Without entering here into the technical question whether the meeting at Kiel on the 13th of January was, or not, a violation of the local law, it may suffice here to observe that the terror of the Government at a meeting of such a kind, is a proof of the very unsound state of things within the Duchy; for it is obvious that if the Danish Ducal Crown reposed upon the attachment and confidence of the people, meetings for effecting changes in the constitution of the Monarchy might take place without inspiring any real uneasiness or apprehension to the Executive Government.

The naval and military armaments which Denmark is now engaged in raising, are doubtless well known to your Lordship. It is not believed here that those armaments are prepared with the view of offering any resistance to a Federal army in Holstein, but they are considered merely as destined for the eventuality of hostilities extending beyond the Eider. However this may be, I much fear the complications of this long-standing Schleswig-Holstein question are such that it will only be found possible to settle them permanently by reconstituting the Danish Monarchy upon Federal principles, and by parting the two nationalities, so as to enable each of them to live and develop itself separately in peace, without encroaching upon the other's liberties and rights.

I have, &c.

(Signed) J. WARD.

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No. 109.

*Sir A. Malet to Lord J. Russell.—(Received January 27.)*

My Lord, *Frankfort, January 23, 1861.*

WITH reference to my despatch of the 18th instant, and the précis therein contained of the conclusion of M. von der Pfordten's Report to the Diet on the pending question of the Danish Duchies, I am now enabled to transmit to your Lordship a translation of the text of that Report.

I have, &c.

(Signed) A. MALET.

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Inclosure in No. 109:

*Report.*

(Translation.)

THE United Committees (those of Execution and for the Constitutional Affairs of Holstein) proposed to the Diet to decree as follows :—

1st. To declare that the Royal Patent of September 25, 1859, and all Ordinances derived from it,* concerning the Budget of the Duchies of Holstein and Lauenburg, are to be considered as void, as long as they have not obtained the consent of the Constituted States of those Duchies.

2nd. To summon the Royal Ducal Government to give a positive declaration whether they will fulfil the prescriptions of the Federal Decree of 8th March, 1860, concerning the establishment of a " Provisorium " for the said Duchies.†

3rd. To fall back upon the Federal Decree of 12th August, 1858, in case the Royal-Ducal Government does not give a satisfactory declaration of that nature within six weeks.

The Assembly resolved upon voting these Propositions on the 7th February.

*Remarks.*—There has been no mention made in the proposition of the " Definitivum." The Report preceding them, however, points out that the Royal-Ducal Government remains at all events, even when fulfilling the conditions about a Constitutional Provisional State, under the obligation to arrange the constitutional condition of the two Duchies, according to the Conventions made in 1851 and 1852, between Denmark on the one side, and Austria and Prussia, and the Confederation on the other, in a definitive manner.

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No. 110.

*Mr. Jerningham to Lord J. Russell.*—(*Received January* 28.)

(Extract.) *Stockholm, January* 16, 1861.

HAVING inquired of Count Manderström if he could give me any information as to the present state of the Danish question, his Excellency acquainted me with what had lately passed on that subject between Her Majesty's Government and that of Prussia, praising the attitude of the former, and expressing a hope that the latter would not be sufficiently ill-advised to push their Schleswig pretensions to the arbitrament of war, which would probably ensue were German troops to cross the Eider.

Count Manderström further stated to me that he had not failed, in conformity with your Lordship's opinion and advice, to recommend caution and conciliation to the Danish Government towards Germany.

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No. 111.

*M. Hall to M. de Bille.*—(*Communicated to Lord J. Russell by M. de Bille, January* 28.)

Monsieur, *Copenhague, ce* 19 *Janvier*, 1861.

IL serait inutile d'entrer dans les détails d'un incident qui a présent est passé dans le domaine de l'histoire. Dans sa dépêche du 8 Décembre dernier à Mr. William Lowther, Lord John Russell a donné, il est vrai, soit au caractère général soit à la portée de plusieurs points des propositions Danoises, une interprétation qui n'était ni dans mes pensées ni dans mes paroles à Mr. Paget. Pourtant je ne regrette pas cette méprise, d'autant moins que le Cabinet de

* Including the Financial Law of July 3 for Holstein and Lauenburg, concerning the common expenses of the monarchy, and the shares of those Duchies to cover them.

† No. I, *c* 1 and 2 of the Decree of March 8, 1860:—

"*c* 1. That for all affairs concerning the Duchies of Holstein and Lauenburg, only the Royal Notification of January 28, 1852, is to be considered as decisive.

"*c* 2. That all motions for laws regarding common affairs of the monarchy, especially financial ones, which are brought before the Reichsrath, shall be laid also before the States of the Duchies, and must have their approval. The Diet shall consider any laws given in contradiction to these conditions as illegal for the Duchies."

Berlin ayant repoussé même dans ces suppositions la base que l'Angleterre lui avait soumise, il est devenu évident à tout le monde que la Prusse ne veut pas que cette malencontreuse affaire se vide d'une manière pacifique.

Je vous ai déjà invité, Monsieur, à témoigner à sa Seigneurie notre reconnaissance de la bonne volonté qui l'a conduite à essayer cette tentative. Mais plus encore, le Gouvernement du Roi doit au Cabinet Britannique ses remercîments sincères de la manière ferme et précise dont il a fait connaître à M. de Schleinitz ses vues sur les prétensions mises en avant par l'Allemagne à l'égard du Slesvig.

C'est avec une bien vive satisfaction que je constate le parfait accord qui existe à ce sujet entre nos deux Cours.

Bien que l'Acte Final qui termine et résume les négociations de 1851 ne contienne aucun mot relativement au Slesvig, il n'en est pas moins vrai que dans la correspondance précédente le Gouvernement du Roi avait déclaré que le Slesvig conserverait sa législature et son administration pour ses affaires provinciales. S'il n'y a pas là, à proprement parler, d'engagement formel, il y a pourtant des intentions déclarées qui tiennent de la nature d'une transaction internationale, et le Gouvernement du Roi se croira lié en honneur à les respecter, tant que de son côté l'Allemagne ne se dédit pas de ses promesses. Aussi le Gouvernement s'est abstenu scrupuleusement de porter la moindre atteinte à l'autonomie accordée au Slesvig.

La protection dont jouirait la langue et la nationalité Allemandes dans le Slesvig ne fut pas mentionnée dans la correspondance diplomatique, mais elle a été promise dans l'Ordonnance Royale du 28 Janvier, 1852. Cette Proclamation adressée aux sujets ne perd pas son caractère de disposition intérieure parce qu'elle a été portée à la connaissance des Puissances étrangères qui, par l'intérêt qu'elles avaient voué au développement de nos affaires, avaient bien acquis le droit d'être instruites d'un si importante mesure. Pour la Diète de Francfort la communication de cette Ordonnance n'a d'autant moins pu créer un droit international quelconque de s'ingérer dans les affaires intérieures du Slesvig et d'exercer un contrôle insupportable sur son administration, que le Ministre du Roi, en lui communiquant cette pièce, ajouta expressément que la Diète y apprendrait nommément la position que le Gouvernement du Roi se proposait d'accorder au Holstein dans l'organisation de la Monarchie. Mais le Roi n'est pas moins lié en honneur par la foi sacrée de sa parole à l'égard du Slesvig, ne fût-elle jamais portée qu'à la connaissance de ses sujets. Seulement l'Allemagne, dont l'action et l'intervention s'arrêtent là où le territoire Fédéral finit, n'a aucun droit de se faire le juge de l'accomplissement de cette intention Royale, moins encore de vouloir l'arracher par la force, soit ouvertement dans une guerre, soit de la manière plus détournée d'une Exécution Fédérale.

C'est ce que sa Seigneurie a parfaitement exprimé dans sa dépêche :—

"Ni dans la forme ni dans la substance ces promesses, telles que le Gouvernement de Sa Majesté les comprend, n'ont donné à l'Autriche et la Prusse ou à la Confédération le droit de s'ingérer dans les détails de l'Administration de ce Duché Danois du Slesvig. Si le Slesvig était incorporé dans le Royaume, s'il était privé de sa constitution séparée, l'Allemagne pourrait prétendre au droit d'intervenir. Mais si le réglement des affaires de toute église et de toute école dans le Slesvig pouvait donner lieu à l'intervention de la Confédération Germanique, il est évident que les droits de Souveraineté du Roi n'existeraient plus que de nom."

Mais tout en se félicitant de cette reconnaissance puissante de son droit, le Gouvernement du Roi n'oubliera pas non plus l'obligation que lui imposent et la promesse donnée par le Roi à ses sujets et l'intérêt supérieur de la Monarchie qui recommande de ne pas laisser à l'esprit factieux un terrain favorable dans le Slesvig.

J'espère que Lord John Russell aura vu comment le Gouvernement du Roi, même dans les circonstances actuelles et vis-à-vis des prétentions Prussiennes reproduites avec d'autant moins de réserve que l'Angleterre les a énergiquement désapprouvées, a poursuivi la voie toute de modération et de conciliation qu'il s'est tracée. Je vous prie, Monsieur, d'expliquer à sa Seigneurie le contenu des deux Patentes que le Roi a publiées dans le Slesvig, et lui communiquer les observations qui se trouvent dans la dépêche Danoise que je vous adresse aujourd'hui. Sa Seigneurie saura par là que ces mêmes modifications que j'ai expliquées dans mes entretiens avec Mr. Paget, le Gouvernement du Roi les a

adoptées, quoique la Prusse ait si péremptoirement repoussé les ouvertures qui lui ont été faites relativement au Holstein. Si le Gouvernement n'a pas pu réaliser ses intentions relativement aux sociétés, je crois avoir assez clairement démontré que dans les circonstances peu rassurantes du moment le relâchement des dispositions existantes amenerait facilement des conséquences dont sa Seigneurie ne méconnaîtra pas le grave danger.

Lord John Russell sait que le Gouvernement du Roi est tout disposé à suivre dans les autres parties de la Monarchie les mêmes principes libéraux qu'il met en pratique dans le Royaume, et à s'attirer par là les esprits de tous ses sujets; seulement il faut qu'il agisse graduellement et en choisissant le moment favorable. Ce Ministre, qui a si bien compris "qu'il n'y eût jamais une question qui demandât plus impérieusement des considérations calmes, ou dans laquelle un commencement de lutte serait plus défavorable à tous les intérêts engagés," il reconnaîtra qu'il faut laisser les mains libres au Gouvernement du Roi, qui joint à sa bonne volonté la parfaite connaissance des circonstances et des esprits, et il comprendra que plus le Gouvernement sera assuré contre l'ingérence insupportable de l'Allemagne, plus il se verra à même de travailler vers son but.

Lord John Russell a parfaitement bien saisi tout ce que la question Dano-Allemande, apparemment d'un caractère intérieur, renferme dans son sein. Il a compris que l'Allemagne, lorsqu'elle cherche à intervenir dans les affaires de la Monarchie Danoise, soit au sujet de la position du Holstein dans l'organisation générale, soit en prétextant l'oppression de la langue Allemande dans le Slesvig, vise à un but incompatible avec l'intégrité de la Monarchie. J'aime à fonder sur cette juste appréciation un grand espoir de trouver dans ce différend un appui énergique chez le Cabinet Britannique; car cette intégrité de la Monarchie Danoise, dont Lord John Russell dit dans sa dépêche qu'elle intéresse à un grand degré le Gouvernement Britannique, l'Europe et avant tous l'Angleterre l'a hautement proclamée dans le Protocole et le Traité de Londres comme un principe permanent de l'équilibre Européen.

Je vous prie, Monsieur, de faire lecture à Lord John Russell de cette depêche et de lui en laisser copie.

J'ai, &c.
(Signé) C. HALL.

(Translation.)

Sir, *Copenhagen, January* 19, 1861.

IT would be useless to enter into the details of an incident which has now become matter of history. In his despatch of the 8th of December last to Mr. William Lowther, Lord John Russell gave, it is true, either to the general character or to the tendency of several points of the Danish proposals, an interpretation which was neither in my thoughts nor in the words I used to Mr. Paget. Nevertheless I regret this mistake the less, inasmuch as the Cabinet of Berlin having declined to accept, even according to these suppositions, the basis which England had submitted to it, it has become evident to everybody that Prussia is not desirous that this untoward affair should be settled in a peaceable manner.

I have already invited you, Sir, to express to his Lordship our acknowledgments of the goodwill which led him to make this attempt. But the Government of the King owes to the British Cabinet its thanks still more for the firm and precise manner in which it has made known to M. de Schleinitz its views on the pretensions put forward by Germany with regard to Schleswig.

It is with a very lively satisfaction that I bear record to the perfect understanding which exists on this subject between our two Courts.

Although the Final Act which terminates and resumes the negotiations of 1851 does not contain a word relative to Schleswig, it is not the less true that in the preceding correspondence the King's Government had declared that Schleswig should preserve its legislature and its administration for its own provincial affairs. If this does not constitute, properly speaking, a formal engagement, it nevertheless implies declared intentions which are of the nature of an international transaction, and the King's Government will consider itself bound in honour to respect them, as long as Germany on its part does not retract its promises. Accordingly the Government has scrupulously abstained from infringing in the least degree upon the self-government accorded to Schleswig.

The protection which the German language and nationality enjoy in Schleswig was not mentioned in the Diplomatic correspondence, but it was

promised in the Royal Ordinance of January 28, 1852. This proclamation, addressed to subjects, does not lose the character of a domestic arrangement by the fact of its having been communicated to foreign Powers, who by the interest they had taken in the development of our affairs had well acquired the right to be informed of such an important measure. To the Diet of Frankfort the communication of this Ordinance can still less have given any international right to interfere in the internal affairs of Schleswig, and to exercise an insufferable control over its Administration, inasmuch as the King's Minister in communicating this document expressly added that the Diet would learn from it the position, in the organisation of the Monarchy, which the King's Government proposed to grant to Holstein.

But the King is none the less bound in honour by the sacred faith of his promise with regard to Schleswig, even if it had never been communicated to any one but to his subjects. Germany, however, whose action and intervention stop at the point where the Federal territory ends, has no right to constitute herself the judge of the accomplishment of this Royal intention, still less to wish to extort it by force, either openly by war, or by the more indirect means of a Federal Execution. That is what his Lordship has perfectly expressed in his despatch :—

"Neither in form nor in substance, as it appears to Her Majesty's Government, do these promises give a right to Austria and Prussia, or to the German Confederation, to interfere in the details of administration in the Danish Duchy of Schleswig. If Schleswig were incorporated with Denmark, if Schleswig were deprived of its separate Constitution, Germany might claim a right to interfere. But if the regulation of each church and each school in Schleswig were to be the subject of interference by the German Confederation, it is clear that the sovereign rights of the King of Denmark would exist only in name."

But while congratulating itself on this powerful recognition of its rights, the Government of the King will not forget the obligation imposed upon it both by the promise given by the King to his subjects and by the paramount interests of the Monarchy, which render it advisable not to leave the spirit of faction any favourable ground in Schleswig.

I hope that Lord John Russell will have seen how the Government of the King, even in the present state of affairs, and notwithstanding that the pretensions of Prussia have been reproduced the less unreservedly because England decidedly disapproved of them, has followed the path of moderation and conciliation which it traced out for itself.

I beg of you, Sir, to explain to his Lordship the contents of the two Patents which the King published in Schleswig, and to communicate to him the observations in the Danish despatch which I addressed to you to-day. His Lordship will see from them that these same modifications, which I have explained in my interviews with Mr. Paget, have been adopted by the King's Government, although Prussia has so peremptorily repulsed the overtures which were made to her relative to Holstein. If the Government has not been able to realise its ntentions relative to the societies, I think I have shown clearly enough that, the circumstances of the moment, which are by no means reassuring, the relaxation of existing regulations would easily bring about consequences the danger of which his Lordship will not misunderstand.

Lord J. Russell knows that the King's Government is quite disposed to follow in the other parts of the Monarchy the same liberal principle which it puts in practice in the Kingdom, and thereby to win the hearts of all its subjects ; only it is necessary that it should act gradually, and choose a favourable moment. That Minister who has so well understood "that there never was a question which more imperatively demanded a temperate consideration, or on which a beginning of strife would be more injurious to all the interests concerned," will acknowledge that the King's Government, which unites with good intentions a perfect acquaintance with the circumstances and feeling of the country, ought to have its hands left free ; and he will understand that the more the Government is secured against the insufferable interference of Germany, the more it will be enabled to make efforts for the attainment of its object.

Lord John Russell has perfectly well apprehended all that the Dano-German question, apparently domestic in its character as it is, comprises. He has understood that Germany, when she attempts to interfere in the affairs of the Danish Monarchy, either on the subject of the position of Holstein in the general

organization, or by alleging the suppression of the German language in Schleswig, aims at an object incompatible with the integrity of the monarchy. I flatter myself I can found on this just appreciation a hope that I shall find in this dispute an energetic support in the British Cabinet; for this integrity of the Danish Monarchy, which Lord J. Russell says in his despatch interests the British Government in a high degree, Europe, and before all England, has loudly proclaimed in the Protocol and Treaty of London, as a permanent principle of the balance of power in Europe.

I beg of you, Sir, to read this despatch to Lord J. Russell, and to leave him a copy of it.

I have, &c.
(Signed) C. HALL.

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No. 112.

*Abstract of a Despatch from M. Hall to M. de Bille, dated January* 19, 1861.—(*Communicated January* 28.)

TWO Ordinances concerning instruction and confirmation in Schleswig have been published by the Danish Government under date of January 9th last.

In regard to instruction, parents are no longer required to send their children to the public schools, but can, if they prefer, have them educated at home, without, as formerly, being obliged to obtain the permission of the authorities for that purpose; nor is it any longer required that private instruction should be given in that language, which happened to be the language of the public schools of the district.

It being an established principle, both in Denmark and Germany, that it is the duty of Government to attend to, that parents do not neglect the education of their children, the rule which has, in consequence, been adopted, that in case of private instruction the children so instructed are, at stated intervals, to be examined by the directors of the public schools, is a rule which the Danish Government has not thought fit to abolish; but it is, nevertheless, the intention of the Government not to enforce the rule, except in such cases where there is a well-founded suspicion that the parents, under pretence of having their children educated at home, neglect educating them at all.

In regard to confirmation, the new Ordinance does away with the obligation under which parents were hitherto placed of letting their children be confirmed in the church of the parish to which they belonged, and, consequently, also in the language there used. Parents living in a Danish parish are hence at liberty now to send their children to be instructed in religion and confirmed in a German parish, and *vice versâ*.

A distinction is besides made between the rite of confirmation (viz., the vow, benediction, and communion), and the preparatory religious instruction or catechism.

In the Mixed Districts, where, hitherto, the Danish language was exclusively used in both respects, the rite of confirmation is now performed either in German or Danish, at the option of the parties.

The amnesty granted by the King to those implicated in the insurrectionary movement of 1848-50, did not, of itself, include a restoration of the political rights or elective franchise, it being required that those to whom the amnesty applied should petition the King on the subject if they wished to be politically rehabilitated, in which case their petition was never refused. It is, however, the intention of the Danish Government to do away with this requirement and to make the amnesty complete in every respect. But the Government deems it advisable not to adopt such a measure now, immediately after the election having taken place, when the restoration of the elective franchise would, for the moment, be without practical effect, and the measure, therefore, instead of giving satisfaction, be more likely to be treated with mockery by the German press.

If such an extension of the amnesty, on the other hand, be postponed to the next election in Schleswig, so as to be made available then, the measure would, probably, be better appreciated, and, at any rate, not be liable to the same criticism. The Danish Government, therefore, intends to postpone this completion of the amnesty until that period.

If the late negotiations with Prussia had brought about a friendly understanding with Germany, the Danish Government would have been prepared to recall the prohibition decreed in December 1858 against societies who expressly limit their action to the Duchies of Schleswig and Holstein. Under the present circumstances the Danish Government must, however, maintain the prohibition.

The measure in question has been criticised as harsh and unjust, and as contrary to the promises which the Danish Government is said to have made in the course of the negotiations with Germany in 1851, but it is owing to a misunderstanding of the character and scope of the prohibition when such charges are brought against the Danish Government.

The prohibition only extends to societies in Schleswig who adopt, as a natural cognomen, the words "Slesvig-Holsteinisch," or in some other manner express the idea that Schleswig and Holstein form together a country for itself, separate and distinct from the rest of the Monarchy. The societies or unions treated of in the negotiations of 1851 were, on the other hand, only such as were intended to be in common for the whole Monarchy.

To permit, in the present state of things, the organization of societies limited exclusively to the Duchies of Schleswig and Holstein, would, in the opinion of the Danish Government, lead to the rapid formation throughout Schleswig of "separatistic" branch societies having their head-quarters in Germany or at Kiel, which town, in the event of a Federal Execution in Holstein, would no longer be under the control of the Danish Government.

The Holstein branch of the "National Verein" has, at its last meeting, shown what is the tendency of such societies. This society proclaimed as its political programme a united Schleswig-Holstein incorporated into a united Germany.

The Danish Government has, in consequence of this revolutionary demonstration, prohibited the society in Holstein.

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No. 113.

*Mr. Paget to Lord J. Russell.—(Received January 28.)*

My Lord, *Copenhagen, January 22, 1861.*

A POLITICAL Association, called the "Nationverein," which holds its meetings at Kiel, having recently adopted a Resolution expressive of their determination to use every means to bring about the political reunion of the Duchies of Schleswig and Holstein, and the closest relationship with "Centralized Germany," a Royal Decree for the suppression of this Association, a translation of which is herewith inclosed, was issued on the 16th instant.

I have, &c.
(Signed) A. PAGET.

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Inclosure in No. 113.

*Extract from the "Official Gazette" for the Duchies of Holstein and Lauenburg.*

*Copenhagen, January 17, 1861.*

IN accordance with a Decree of His Majesty of the 16th instant, the German National Assembly is hereby suppressed, in consideration of the Resolution taken by the Holstein members of it on the 13th January, whereby they recognize it as their special task to strive to effect the re-establishment and further development of the former connection of Schleswig with Holstein, and their closest relationship with a "Centralized Germany."

In publishing this for public observance, the Police authorities are ordered to watch that the above Decree is carried out.

*Ministry for the Duchies of Holstein and Lauenburg.*
(Signed) RAASLOEFF.

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## No. 114.

*Mr. Howard to Lord J. Russell.—(Received January 28.)*

My Lord, *Hanover, January 26, 1861.*

ON the receipt, yesterday, of your Lordship's despatch of the 22nd instant, I waited upon Count Platen, and, in compliance with your Lordship's instructions, inquired of him what would be the precise object of a Federal Execution in Holstein, supposing Denmark should not yield to the demands of the German Confederation.

His Excellency asked whether I proposed to address to him a note containing the inquiry.

I replied, that I did not consider myself authorized to do so by your Lordship's instructions, but that he was at liberty to take down in writing the words of your Lordship's despatch, if he thought proper to do so.

This he accordingly did; and afterwards he said that the question was of too important a nature for him to reply to it without having taken the King's orders; that he would accordingly adopt this course, and would then give me an answer.

Having called upon Count Platen, by appointment, this evening, he observed that your Lordship's inquiry appeared to him to involve two questions: the one as to the object of the Execution; the other, as to the manner in which the Execution was to take place.

With regard to the first point, his Excellency said that he could only refer me to the previous Resolutions of the Diet, and more particularly to the Resolutions of the 11th of February, 1858, as well as to that of the 12th of August of the same year.

With regard to the second point, he said he must refer me to the Regulations in respect to Executions for carrying into effect the Resolutions of the Diet of the 3rd of August, 1820, and to the still-to-be-expected Resolutions of the Diet, which will shortly be prepared in the Federal Commission of Execution.

His Excellency added, that Hanover was not a member of this Commission; and repeated an observation, which he had on more than one occasion previously made to me, that any Federal Execution would only apply to the German Duchies of Holstein and Lauenburg, and not to the Duchy of Schleswig, which does not belong to the German Confederation.

Your Lordship is, no doubt, in possession of the Resolution of the Diet of the 11th of February, 1858, referred to by Count Platen. By this Resolution the Diet declares that it does not recognize the validity of the Danish Ordinance of the 11th of June, 1854, relative to the Constitution of Holstein; of the Royal Notification of the 23rd of June, 1856, concerning the special relations of the Duchies of Holstein; as well as of the Constitution for the common affairs of the Danish Monarchy of the 2nd of October, 1855, as far as it is applicable to the Duchies of Holstein and Lauenburg; that it does not find in the Laws and Ordinances for the reorganization of the Constitution of the Duchies of Holstein and Lauenburg, and for the regulation of their relations towards the rest of the Danish Monarchy, published since the years 1851 and 1852, the observation of the binding assurances, as resulting from the agreements entered into and given in those years, and particularly by the Patent of the 28th of January, 1852, in respect to an alteration of the Constitution of the said Duchies, as well as to the equal rights and independent position to be granted to them in the aggregate State; and, moreover, that the Constitution for the Common Affairs of the Danish Monarchy is not altogether compatible with the principles of the Confederation. The Diet, therefore, calls upon the Royal-Ducal Government to introduce, in the Duchies of Holstein and Lauenburg, a state of things conformable to the laws of the Confederation and to the assurances given, and which shall more particularly secure the independence of the Special Constitution and Administration of the Duchies, and shall preserve their position of equality of rights, and to give to the Diet early notice of the arrangements made or contemplated with this view.

The above-quoted Regulations in respect to Executions are founded upon the Articles Nos. 31, 32, 33, and 34 of the Final Act of the Conferences of Vienna of the 15th of May, 1820.

I have, &c.

(Signed) HENRY F. HOWARD.

No. 115.

*Mr. Howard to Lord J. Russell.—(Received January 28.)*

My Lord, *Hanover, January 26, 1861.*

SINCE I closed my preceding despatch of this day's date, I have been informed by Count Platen that another object of the Federal Execution in Holstein would be to obtain that, during the provisional state of things, all Projects of Laws submitted to the Reichsrath should be laid before the Holstein and Lauenburg States, in order to preserve the equality of the rights of those German Federal countries, and that no law concerning the common affairs of the Monarchy, especially in matters of finance, shall be issued for the Duchies, if it has not received the sanction of the States of these Duchies.

I have, &c.

(Signed) HENRY F. HOWARD.

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No. 116.

*Mr. Howard to Lord J. Russell.—(Received January 28.)*

My Lord, *Hanover, January 26, 1861.*

IN the conversation which I had with Count Platen yesterday, in putting to him the question directed by your Lordship's despatch of the 22nd instant, relative to the precise object of the threatened Federal Execution in Holstein, I remarked to him how uncalled-for such an Execution appeared to me at a time when there was reason to believe that the Danish Government were about to submit to the newly elected States of Holstein their proposals for the constitution of that Duchy; and I pointed out to his Excellency a passage in Baron Schleinitz's despatch of the 8th of November last, to Count Bernstorff, as published in the newspapers, in which the Prussian Minister for Foreign Affairs, in speaking of the Danish proposals submitted to Prussia through Mr. Paget, says, "The question relates to rights of the States of which the Confederation cannot dispose. Let the Danish Government enter into negotiations thereon with the States. If it obtains their consent, there will be nothing to be said against it on the part of the Confederation."

I moreover recalled Count Platen's attention to the danger of adding a new complication in the North of Europe to those already existing in the South, for it was hardly to be supposed that a Federal Execution, even if originally intended to be confined to Holstein, would not give rise to a revolution in Schleswig, or to a conflict with the Danish forces. It could not, besides, prove otherwise than detrimental to the material interests of those classes of persons in the Duchy who were at the bottom of the movement.

His Excellency replied that the Danish Government had not yet convoked the Holstein States; that upwards of eight years had elapsed since the Danish Government had promised a satisfactory settlement of the Constitution of the two German Duchies; that these promises had not been carried out; and that the German Confederation, to which they been made, could not any longer defer enforcing their fulfilment.

His Excellency, however, said that there was no wish on the part of Germany to have unnecessary recourse to an Execution, and he hoped it might be avoided; but he was equally persuaded that nothing but the fear of one would induce the Danish Government to do justice to the Duchies.

I should observe that Count Platen always, whilst admitting that the question of Schleswig is an international one, insists upon the Holstein question being a purely German question. He thinks, however, that the settlement of the Schleswig question would greatly facilitate the arrangement of the affairs of Holstein.

I have, &c.

(Signed) HENRY F. HOWARD.

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## No. 117.

*Mr. Lowther to Lord J. Russell.*—(*Received January* 28.)

My Lord, *Berlin, January* 26, 1861.

IN conformity with the instructions contained in your Lordship's despatch to me of the 22nd instant, I asked the Prussian Minister for Foreign Affairs what would be the precise object of a Federal Execution in Holstein, supposing Denmark should not yield to the demands of the German Confederation; and I learnt from him that the precise object was, that all the laws of the Duchies of Holstein and Lauenburg regarding the provisional state of things there should be submitted to the Diet of those Duchies.

For some years, said his Excellency, the King of Denmark has utterly disregarded the appeals made to him by the German Confederation; and latterly, on the presentation of the Budget for Holstein, no notice whatever was taken of the Diet of Holstein.

I said, I presume, before the Execution takes place, there will be a summons made to the King of Denmark toconform to the Resolutions of the Diet. He said, most certainly; but that he feared it would share the fate of so many other representations that had been made to him by being taken no notice of; but, added his Excellency, the King of Denmark will have time for reflection, as troops will hardly be able to go into Holstein before the summer.

I have, &c.

(Signed) W. LOWTHER.

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## No. 118.

*Lord J. Russell to Mr. Paget.*

Sir, *Foreign Office, January* 28, 1861.

I HAVE received your despatch of the 17th instant, reporting conversations which you have lately had with M. Hall upon the subject of the Danish Duchies: and I have to inform you, in reply, that I approve the language which you have held to M. Hall upon these occasions.

I am, &c.

(Signed) J. RUSSELL

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## No. 119.

*Mr. Howard to Lord J. Russell.*—(*Received January* 30.)

My Lord, *Hanover, January* 28, 1861.

COUNT PLATEN thinks that the following answer to your Lordship's inquiry respecting the precise object of a Federal Execution in Holstein would explain this object more fully than that which he previously gave me, and which I had the honour of reporting in my despatch of the 26th instant. I therefore record it in conformity with his wish:—

"The object of the Federal Execution, that is to say, what is to be extorted by means of an Execution from the Holstein-Lauenburg Government, is to be found clearly and distinctly set forth in the Resolutions of the Diet of the 11th of February and 12th of August, 1858, and in the Federal Resolution to be taken on the 7th of February of this year.

"According to these provisions, it shall be extorted by Execution—

"1st. That, during the 'Provisorium,' all projects of laws submitted to the Reichsrath shall be laid before the Holstein and Lauenburg States, in order to the preservation of the equality of the rights of the German Federal countries; and that no law concerning the common affairs of the Monarchy, especially in matters of finance, shall be issued for the Duchies, if it has not received the sanction of the States of these Duchies.

"2ndly. That the definitive settlement of the Constitutional state of things in the said Duchies, shall be entered upon ('in Augriff genommen') by the

Royal-Ducal Government, in conformity with the assurances given to the German Confederation in the years 1851 and 1852."

I have, &c.

(Signed) HENRY F. HOWARD.

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No. 120.

*Mr. Lowther to Lord J. Russell.*—(*Received January* 31.)

My Lord, *Berlin, January* 29, 1861.

I HAVE the honour to inform your Lordship that, at a meeting of the members of the National Verein, which took place here lately, the following three Resolutions were taken:—

"1. That Prussia and non-united Germany are not called upon, so long as German territory or German interests are not violated, to take part in a war of Austria's for the possession of Venice, and thereby call forth an attack on German territory for the defence of which no effectual support from Austria can be relied upon.

"2. Prussia must take care, if she accepts the duty of military action against Denmark, that not only the particular rights of Holstein shall be preserved, but that the old-established union between Holstein and Schleswig shall be restored, and that a guaranteed legal condition of things ('Rechtszustand') shall be established in Schleswig, as well as in Holstein.

"3. Looking at the present state of things, and more particularly at the concentrated military power of France, and the notorious weakness of Austria, it is the duty of Prussia, towards herself and towards Germany, to persevere in the immediate united organization of the German Federal army under the direction of Prussia, as well as the speedy summoning of a German Parliament."

This meeting was numerously attended.

I have, &c.

(Signed) W. LOWTHER.

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No. 121.

*Lord J. Russell to Mr. Ward.*

Sir, *Foreign Office, January* 31, 1861.

HER Majesty's Government entirely assent to the principle you lay down in your despatch of the 23rd instant, that Holstein ought to have the management of its financial affairs.

But with regard to Schleswig, it is by the Constitution of the Danish Monarchy, a Danish Duchy. The strange and anomalous connexion which formerly subsisted between Holstein and Schleswig, which bound Schleswig to Holstein, and Holstein to Germany, but not Schleswig to Germany, has ceased. The German Confederation have no jurisdiction in Schleswig, nor any right to interfere in the administration of the Duchy of Schleswig.

Her Majesty's Government cannot be surprised, therefore, that the Danish Government should discountenance any Association which has among its objects that of dismembering the Danish Monarchy and destroying its Constitution.

I am, &c.

(Signed) J. RUSSELL.

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No. 122.

*Mr. Murray to Lord J. Russell.*—(*Received January* 31.)

(Extract.) *Dresden, January* 29, 1861.

IN obedience to the instructions contained in your Lordship's despatch of 22nd January, I had yesterday a conversation with M. de Beust to ascertain from him the precise sense and limitation attached by the Saxon Government to the words "Federal Execution."

His Excellency told me that he considered the mode of procedure designated by that expression as being so clearly defined by the recorded Acts of the Diet that it is not liable to extension or modification by any one State within the Confederation. According to his Excellency's statement, when the Diet has decreed in reference to any State or Province within its jurisdiction "Federal Execution," it appoints Commissioners, one or more, to whom it delegates powers to investigate on the spot the matters which have given rise to the Commission, and they are authorized, if necessary, to publish such regulations regarding the same as may have issued from the Diet: if those regulations are resisted by the State in question, then it is competent to the Diet to proceed to the second stage of Federal Execution, by sending thither a corps of occupation, but this cannot be done without taking a separate vote on the subject, and going through other formula prescribed by the existing laws of the Confederation. His Excellency further informed me that all these laws and regulations are embodied in the official publication called "Corpus Juris Confederationis Germanicæ," or "State Papers regarding the History and Public Rights of the German Confederation." The work in question is compiled by A. G. von Meyer, with a supplement by Ziegl, and is published at Frankfort. I have not been able to procure a copy of it here, but I have ordered one to be sent hither for the archives of this Mission, which will, I hope, meet with your Lordship's approbation; the work is neither voluminous nor expensive; but it may frequently be required for reference in cases regarding the rights and relations of the Confederated States.

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No. 123.

*Mr. Fane to Lord J. Russell.*—(*Received February* 4.)

(Extract.) *Vienna, January* 29, 1861.

IN obedience to the instructions conveyed to me in your Lordship's despatch of the 22nd instant, I asked Count Rechberg what would be the precise object of a Federal Execution in Holstein, supposing Denmark should not yield to the demands of the German Confederation.

His Excellency replied that the object would be to occupy Holstein with Federal troops, in order to establish and maintain there a Provisional Government under a Commissary appointed by the Diet, until such time as Denmark should agree to make those administrative changes in regard to the Duchy which were deemed equitable by the German Confederation.

His Excellency dwelt incidentally on the formalities to be gone through and on the period of time (which he computed at nearly three months) that must elapse before the Execution, if it were decided upon, could be carried into effect.

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No. 124.

*Mr. Paget to Lord J. Russell.*—(*Received February* 4.)

(Extract.) *Copenhagen, January* 28, 1861.

I HAD an interview with M. Hall on the 24th instant. It was the first time I had seen his Excellency since he had received the text of the Report of the Combined Committee on Holstein Affairs and for Execution, presented to the Diet on the 17th instant.

I began by expressing my satisfaction that the terms of the Report appeared to be moderate, and that so far from the subsequent proceedings of the Diet being characterized by any undue precipitation, as we had at first been led to suppose, the fact of the voting being deferred till the 7th of February would seem to indicate that there was every desire to evince consideration towards the Danish Government. I was glad also to see, I said, that instead of the Report embracing, as his Excellency had appeared to anticipate, the last time I saw him, it might, matters of a more general character, it was confined to the one question of the Budget.

M. Hall did not deny that the case was simplified by the latter fact, but instead of stating, as I had hoped he would, in consequence of what had passed at our previous interviews, that the Danish Government would, under these

circumstances, be prepared to yield to the demands of the Diet, M. Hall proceeded to discuss the grounds on which the Resolution of the 8th of March was based. He said that the Diet acted in defence of no Federal law or compact, for he contended the Danish Government had violated neither one nor the other by the Royal Patent of 25th September, 1859, or by the publication of the Financial Law in 1860.

His Excellency then went on to state that if the Danish Government conformed to the Decree of the Diet in the present instance, which he was personally inclined to think perhaps the best course, it was absolutely necessary that the position between Holstein and the Monarchy should be so regulated that the Danish Government should not be subject at every instant, on a motion brought forward at the Diet by Oldenburg, Lippe, or some such member, to the menace which was now held over them. This state of things his Excellency said was perfectly unendurable, and he was glad to see that other people who were at first opposed to any further separation between Holstein and the Kingdom, were now coming round to the opinion that this was the only solution for the difficulties with which the relations between Denmark and the Confederation were beset. No decision of the Cabinet had however, M. Hall said, yet been taken on these matters.

I venture to observe on this subject, that whatever may be the merits of the plan itself, the moment has hardly yet arrived for discussing it. The first object with the Danish Government, as it appears to me, ought to be to avert the Execution, and there is obviously only one way of doing this, namely, by conforming to the Resolution of the 8th of March last. This Resolution bears exclusively on the competency of the Holstein States during the provisional period, and, until that competency is recognized by Denmark, it is evident that no proposal as to a definitive arrangement will be entertained at Frankfort.

Having mentioned to M. Hall that I had seen articles in some of the newspapers suggesting that Denmark should oppose the Federal Execution in force, I am happy to be able to inform your Lordship that his Excellency replied that this course was not contemplated by the Danish Government.

The armaments for the defence of Schleswig and the other parts of the monarchy are proceeding, and every preparation for resistance is being made both in the naval and military departments, in the event (should the Execution take place in Holstein) of the forces of the Confederation overstepping their legal bounds.

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No. 125.

*Sir J. Milbanke to Lord J. Russell.*—(*Received February* 4.)

(Extract.) *Munich, January* 30, 1861.

IN obedience to the instructions contained in your Lordship's despatch of the 22nd instant, I asked the Bavarian Minister for Foreign Affairs what would be the precise object of the Federal Execution in Holstein, supposing Denmark should not yield to the demands of the German Confederation. Baron de Schrenk replied, without hesitation, that the end in view by the Diet was a strict fulfilment, on the part of the King of Denmark, of the engagements taken by His Majesty in regard to the Duchies in the year 1852; adding, that if all other means failed, compliance must be compelled by a military occupation of Holstein, which in all probability would be continued until the required changes were effected in the present system of administration.

I observed, in reply to this explanation of the course to be followed, that it might be feasible enough, if the Diet could foresee that the King of Denmark would be likely to yield to compulsion within a reasonable time; but that as it had no security that this would be the case, it seemed to me that a step which involved the seizure and appropriation of the revenues of the Duchies, and the exercise of other acts of authority in them, would, if prolonged too far, amount to something very much like taking possession of a portion of territory which had been allotted and guaranteed to the King of Denmark by the same solemn European Treaties to which the Confederation itself alone owed its origin, and to which an appeal might, under such circumstances, be made with propriety by any one of the Powers who signed them.

It was impossible, I said, to overrate the gravity of the consequences that might result from a procedure which, besides renewing the agitation of 1848 in the public mind in Germany, had already created alarm among all the Governments of Europe. It is useless, I said, for German Statesmen to pretend to deceive themselves by asserting that the contemplated measures of coercion are not intended to be carried beyond the frontiers of the purely German Duchies, for there is not one of them who is not quite as thoroughly persuaded as I am myself, that were a Federal army once to take the field in this cause, public opinion in Germany would exercise so much pressure on the Governments that they would have the greatest difficulty in avoiding an intervention in the Duchy of Schleswig, which your Lordship may be assured is what all Germany is driving at, openly or covertly.

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No. 126.

*Sir A. Malet to Lord J. Russell.*—(*Received February* 4.)

My Lord, *Frankfort, January* 31, 1861.

WITH reference to your Lordship's despatch of the 22nd instant, instructing me to ascertain what would be the precise object of a Federal Execution in Holstein supposing Denmark should not yield to the demands of the Germanic Confederation, I have the honour to state that the ostensible and avowed object of such Execution would be that the Commissaries of the Diet should take in hand the government of the two Duchies of Holstein and Lauenburg in correspondence with the Provincial States or Elective Chambers of the Duchies.

The military force accompanying the Commissaries would have orders to secure them against all interference from the Danish Government, and the military occupation and functions of the Commissaries would be prolonged until the latter could report to the Diet that the demands contained in the conclusions of M. von der Pfordten's Report, inclosed in my despatch of the 23rd instant, had been complied with by the Danish Government.

I have, &c.
(Signed) A. MALET.

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No. 127.

*Sir A. Malet to Lord J. Russell.*—(*Received February* 4.)

(Extract.) *Frankfort, January* 31, 1861.

IT is natural that the Holstein people, united as they were with the Schleswig for 400 years, and still connected with them by ties of consanguinity and interest, should resent treatment of the nature referred to, and it is doubtful whether any measures which the Copenhagen Government may be induced to take to satisfy the special grievances of Holstein will be effectual, unless something more is conceded to the Germans of Schleswig, and their intercourse with Holstein permitted with fewer restrictions than is the case at present.

I do not venture to suggest specific points on which the Danish Government should relax its present policy, but it would appear that the complaint made by the Danes against agricultural and other similar associations in Holstein and Schleswig being converted into political clubs rests on some foundation, but is only a natural consequence of the rigorous police and other regulations of the Danish Government.

As the object of Her Majesty's Government in interfering in this question at Copenhagen will be directed to induce the Danish Government to make such concessions to German demands as may obviate the menaced military occupation of Holstein, I have thought it my duty to lay these considerations before your Lordship in the opinion that the only way of effecting a permanent reconciliation between Denmark and the Duchies must comprise concessions to Holstein in reference to Schleswig which shall induce the members of the Holstein States-General to disarm the action of the Diet by expressing themselves satisfied.

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No. 128.

*Mr. Gordon to Lord J. Russell.*—(*Received February* 4.)

My Lord, *Stuttgardt, January* 28, 1861.

I HAD the honour to receive your Lordship's despatch of the 22nd instant by extra messenger Bridge on the 26th, and I have to-day fulfilled the instructions it contained, by asking Baron Hügel what would be the precise object of a Federal Execution in Holstein, supposing Denmark should not yield to the demands of the German Confederation.

Baron Hügel informed me, in reply, that the precise object of an occupation by Federal forces of Holstein, in such an event as that supposed, would be to force Denmark, by doing it as much harm as possible, to concede to the demands of the Confederation what it has refused for the last ten years (which refusal, if persisted in, would be the cause which would determine the Execution), and especially to compel Denmark to account to Holstein for the employment of the public taxes and burthens, which are levied by the Danish Government in the Grand Duchy, and are spent by the former without furnishing any account of their expenditure to the latter.

Baron Hügel mentioned that a fortnight would elapse before the vote would take place in the Diet at Frankfort on the proposal of Austria and Prussia to make the above demand on Denmark, under the penalty of a Federal Execution if refused; and that if, as was probable, this proposal passed the Diet, six weeks of deliberation would be accorded to Denmark before the Execution would be ordered. His Excellency also informed me that the vote of Wurtemberg would support the Austrian and Prussian motion.

I may be permitted to add to the above, that the chief Liberal newspaper here, the "Schwäbischer Merkur," published a few days back a communication from Schleswig, showing that, in the event of a Federal Execution in Holstein, the Danes would confine themselves to occupying Schleswig, which would thus be the chief sufferer, and concluding, therefore, by the desire, "Therefore, rather no Execution than that it should be limited by the Eider."

I have, &c.

(Signed) G. J. R. GORDON.

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No. 129.

*Mr. Paget to Lord J. Russell.*—(*Received February* 11.)

(Extract.) *Copenhagen, January* 31, 1861.

I HAVE just had a conversation with M. Hall, at the outset of which I informed his Excellency that, in the opinion of Her Majesty's Government, "the Danish Government would do well to forestall an Execution by convoking the Holstein States, and by conforming to the Decree of the Diet."

M. Hall observed, that it was always his desire to avert an Execution, if possible; but, even if it took place, he should not regard it as the greatest of all evils ("le dernier des maux"). It would not be as great a one, for instance, his Excellency said, as constituting the Holstein States into a sort of Tribunal of Censure over the Danish Monarchy, which would be the practical effect of conforming to the demands of the Diet.

I asked M. Hall to explain his meaning.

His Excellency replied that, according to the Resolution of the Diet, every law presented in the Reichsrath would have to be presented to the Holstein Assembly.

Only if it concerns Holstein also, I said. The Danish Government, I continued, had offered, of their own accord, a deliberative vote to the Holstein States on all laws excepting those of finance, and even on those also if the fixed sum was exceeded, in support of which assertion I produced the Memorandum on Holstein given to me by his Excellency in August last.

I then recapitulated the substance of the first conversations which had taken place between M. Hall and myself, when the news of the recent Report of the Committee of the Diet had been received here, in which his Excellency had never made the objections he now started, and had always, I added, led me to believe he would be disposed to conform to the demands of the Confederation,

supposing those demands were confined to the Resolutions of the 8th of March last.

M. Hall replied, that he had never meant to convey the idea that the Danish Government would agree to the naked acceptance of the Resolutions of the Diet of the 8th of March, as he should consider the independence of the Danish Monarchy would be thereby compromised. There would be no expense, he said, however trifling, which, if it was to come out of the common fund, would not be said to regard Holstein; and the result of this would be to give to Holstein, and through Holstein to Germany, a power of interference in the affairs of Denmark which would make the Sovereign and the Government of this country dependent upon, or at all events subject to, the control of the Confederation.

I reminded M. Hall that it was only now a question of what should exist during the "Provisorium," which the Danish Government could always bring to an end by a definitive arrangement.

M. Hall replied, that a provisional state of things on the basis proposed would be so advantageous to Holstein that it would be sought to make it permanent, and Denmark would again be threatened by Execution. It was necessary, therefore, to bring the question to a close once for all.

I replied, that I perfectly remembered what his Excellency had said on this subject at our last interview (reported in my despatch of the 28th instant), but I much feared, as things now stood, that until the Danish Government had recognized the competence of the Holstein States, as required by the Diet, during the provisional period, no proposal for a definitive arrangement would be listened to.

M. Hall said that it was not his intention to make any new proposal to the Diet. He was not, he said, at present in a position to announce to me the course he intended to adopt, for he might not be able to carry out his views. He could only say, that the accounts received from Holstein induced him to believe that the prospect of an Execution was much dreaded in that Duchy, and that the Holsteiners themselves might consequently be less extravagant in their pretensions than the Diet.

From this and other observations of M. Hall, I arrive at the conclusion that it is intended shortly to convoke the Holstein States, and to endeavour, by direct negotiation with them, to arrive at an understanding on the points at issue. If such is the course now decided on by the Danish Government, it cannot but be a subject of regret that they did not adopt it when they were advised to do so, many weeks ago, and when they would have had the appearance, at all events, of acting in a spirit of conciliation, and from a spontaneous desire to meet the wishes of the opposite party, instead of yielding to threats and compulsion from without.

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No. 130.

*Mr. Paget to Lord J. Russell.*—(*Received February* 11.)

My Lord, *Copenhagen, February* 6, 1861.

M. HALL'S ideas as to the course to be followed by the Danish Government with reference to the recent Report of the Committee of the D et do not appear as yet to be at all settled.

In our last conversation, reported in my despatch of the 31st ultimo, I understood that it was his Excellency's wish to come at once to a final arrangement; and in pursuance of this object he informed one of my colleagues a few days ago that he should convoke the Holstein States, and propose to them the existing Constitution, with the addition of an Upper Chamber, selected by the King, for the affairs common to the whole Monarchy—a plan with which your Lordship is already acquainted.

To-day M. Hall has informed me that, although nothing is yet positively decided, the Holstein States will in all probability be convoked early in March for the object of concerting with the Government respecting the "Provisorium." Upon my remarking that this was not exactly what I gathered from my last conversation with his Excellency, M. Hall replied that he certainly would prefer, if possible, bringing the question once for all to a close, but that, failing this, he

hoped to be able to negotiate such an arrangement with the Holstein States, respecting the "Provisorium," as would, at all events, exclude any further interference on the part of Germany.

M. Hall then entered into a further explanation of the Resolutions of the 8th of March to show that it was perfectly impossible for the Danish Government to comply with them. He said there was one paragraph which had hitherto escaped much notice, but which was of the highest importance. It required the Danish Government to make an express declaration that during the "Provisorium" no change whatever should be made in what are now classed "Private Affairs" of each part of the Monarchy, and those which are considered common to the whole. Thus, he said, if a law intended for the whole Monarchy was agreed to by the Rigsraad, and was rejected by the States of Holstein, the result would be not only that the law should not have effect in Holstein and be carried out in Denmark and Schleswig, because this would be to change its denomination and character from "Common" to "Private" affairs, but the veto of the Holstein States would prevent its execution in Denmark and Schleswig also, so that in point of fact, said M. Hall, the Danish Monarchy would be governed by the Holstein States.

I have, &c.
(Signed) A. PAGET.

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No. 131.

*Mr. Paget to Lord J. Russell.*—(*Received February* 11.)

My Lord, *Copenhagen, February* 6, 1861.

I HEAR that the Danish Government has made a contract with the Railway Company for the transport of the heavy material from the fortress of Rensburg to Flensburg, and that a large number of horses have been sent to Rensburg to bring away the guns.

This information would appear to confirm what M. Hall told me, and which I reported in my despatch of the 28th of January, namely, that the Danish Government do not contemplate making any resistance in Holstein.

I hope to be able to furnish your Lordship, on an early occasion, with an exact account of the number of troops which, in case of necessity, Denmark would be able to bring into the field. They may be roughly stated, I think, at about 50,000 men.

I have, &c.
(Signed) A. PAGET.

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No. 132.

*Sir A. Malet to Lord J. Russell.*—(*Received February* 11.)

My Lord, *Frankfort, February* 8, 1861.

THE conclusions of M. von der Pfordten's report on the affairs of the Danish Duchies were adopted by the Diet in their sitting held yesterday, as transmitted to your Lordship in my despatch of the 17th January, without modification.

The Danish Envoy, Baron Bülow, made observations which, though not put in the form of a protest, are, as I learn, so considered, and the Diet decided that they should not only be inserted in the Protocol, but transmitted verbatim to the several Governments of the Confederation for consideration. I am informed that his Excellency's memorandum appeared to make considerable impression on the members of the Diet.

The tenour of the document is reported to me as dwelling strongly on the point that the whole of the proceedings of the Diet towards the Execution must at all events be held to have commenced *de novo* from yesterday's vote, as the warning given to Denmark on the 8th March, 1860, related to a totally different posture of affairs, his Government having partially complied with the summons then made by the Diet, as acknowledged by the Assembly itself.

His Excellency abstained from participating in the vote. The vote of

Baron Scherff, the Netherlands Minister, was the only one given against the Report

I learn that his Excellency made a special objection to the inopportunity of a comminatory vote at a moment when the Danish Government had convoked the Provincial Assemblies of the Duchies, with the view of seeking a direct arrangement, and drew attention at the same time to the great risk of adding to already existing European complications, by any proceeding calculated to stir up strife in a new quarter.

I could not learn these particulars, in consequence of the Diet's sitting being unusually prolonged, till after post hours yesterday, and having had to attend a Court Ball held at Wiesbaden, have only just returned to Frankfort in time to report them to your Lordship to-day.

I have, &c.
(Signed) A. MALET.

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No. 133.

*Mr. Howard to Lord J. Russell.*—(*Received February* 12.)

My Lord, *Hanover, February* 9, 1861.

IT will be known to your Lordship that the Diet of the German Confederation adopted in its sitting of the 7th instant, the proposals of its united Committees on the affairs of Holstein and Lauenburg referred to in my despatch of the 19th ultimo, the only dissentient votes being those of Denmark and Luxemburg.

Count Platen informs me that, agreeably to his instructions, the Hanoverian Representative at Frankfort had voted purely and simply for the proposed Resolution, without any explanatory remarks. Count Platen has been anxious to avoid irritating Denmark by any special statement of the views of Hanover on the pending question.

I have, &c.
(Signed) HENRY F. HOWARD.

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No. 134.

*Mr. Jerningham to Lord J. Russell.*—(*Received February* 13.)

(Extract.) *Stockholm, February* 5, 1861.

COUNT MANDERSTROEM informed me yesterday, that he had addressed a circular despatch to the Swedish Representatives, stating that his Government concurred in the position adopted, regarding Schleswig, by your Lordship's despatch to Mr. Lowther of the 8th of December last, and that every effort had been made to promote moderation and conciliation in the Danish Councils.

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No. 135.

*Lord J. Russell to Mr. Paget.*

Sir, *Foreign Office, February* 13, 1861.

I HAVE received your despatch of the 28th ultimo, reporting the substance of a conversation which you had held with M. Hall on the present state of the question of the Danish Duchies, and in reply I have to state to you that Her Majesty's Government trust that Denmark will show a conciliatory disposition. With regard to Holstein and Lauenburg, the German Diet appears to be unanimous, and Denmark would improve her position by adopting the views of M. Hall.

The Diet, after having obtained so much of concession, might become more easy, and a sum might be recommended to Holstein as her contribution to general expenses, to meet other proportionate sums from Denmark.

Even the Constitution of Hungary of 1848 provides a sum to be contri-

buted by Hungary towards the expenses of Austria, and Austria could hardly contend that Holstein should not contribute to Danish expenditure.

I am, &c.
(Signed) J. RUSSELL.

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No. 136.

*Lord J. Russell to Mr. Paget.*

Sir, *Foreign Office, February* 13, 1861.

I HAVE received your despatch of the 31st ultimo, reporting the conversation you had with M. Hall upon the subject of the probable Federal Execution in the Holstein States, and I have to observe to you, in reply, that the Danish Government should lose no time in deciding on the course they intend to pursue.

I am, &c.
(Signed) J. RUSSELL.

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No. 137.

*Lord A. Loftus to Lord J. Russell.—(Received February* 18.)

My Lord, *Berlin, February* 16, 1861.

IN the course of conversation with Baron Schleinitz this morning I inquired whether he had received any intelligence from Copenhagen since the late decision of the Diet had been made known, and from what time would the limit of six weeks date, which had been fixed for the answer of the Danish Government.

His Excellency stated in reply that in consequence of the communication having been interrupted, he had received no late intelligence from Copenhagen: he could not consequently say what effect had been produced by the late Decree of the Diet.

He informed me that the six weeks' delay accorded to the Danish Cabinet for their reply would date from the 7th instant, and that on the expiration of that time a further delay of six weeks would occur before active measures could be taken; consequently there could be no question of any movement of troops before the summer.

I have, &c.
(Signed) AUGUSTUS LOFTUS.

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No. 138.

*Mr. Ward to Lord J. Russell.—(Received February* 18.)

My Lord, *Hamburgh, February* 15, 1861.

SINCE I had the honour of addressing your Lordship on the 23rd ultimo in reference to Holstein, the course of events would seem to have had a more pacific tendency, and if it were not for the very violent and menacing language used by the Copenhagen newspapers, there would be little reason for apprehending any immediate interruption of the peace of this part of Europe. Nothing is heard of any unusual military preparations in the German States, nor do the German Governments as yet appear willing to believe that Denmark has any serious intention to resist the impending Execution.

The text of the Resolution passed by the Federal Diet at Frankfort on the 7th instant, ordering an Execution into Holstein in default of receiving a satisfactory answer from Denmark within six weeks, has been published, together with the Report of the Committee on which the Resolution was founded, and it is satisfactory to observe that the Resolution is strictly confined to the German Duchies of Holstein and Lauenburg, and does not contemplate any interference whatever in the affairs of Schleswig. The Prussian Minister, Baron de Schleinitz, has explained to the Committee on the Address, that the phrase "German

Duchies" in the King's Speech, was intended to mean Holstein and Lauenburg only, and the foremost advocates of the rights of Schleswig in the Prussian Lower House have contented themselves with demanding the reservation ("Wahrung") of those rights, without insisting upon any immediate steps being taken by Germany for their enforcement. The feeling of the more moderate friends of the Duchies is evidently that it would be best first to place Holstein on a Constitutional footing, and, when that is done, then to take the requisite steps for compelling the King-Duke to fulfil the promises made by him as regards Schleswig in 1851 and 1852.

In these circumstances, it is not yet believed that the menaces of those Danish journals which threaten war whenever a German army shall cross the Elbe into Holstein, can have any serious meaning. Much less do the merchants at Hamburgh give any credence to the rumoured design of the Danish Government to institute a blockade of the Elbe by way of an answer to the Execution, since they feel assured that such a proceeding on the part of Denmark would be the signal for the advance of the Federal forces into Schleswig and Jutland, and would place the Danish Monarchy at the mercy of the Germanic body.

The protest recorded by Denmark in the sitting of the Diet of the 7th instant has also been made public, and is doubtless known to your Lordship. This protest disputes the competency of the Diet, and endeavonrs to show that the impending Execution would be irregular in point of form. It is, however, difficult to believe that the Diet should have been so inadvertent as to commit any formal error in so important a matter, the less so as the Report of the Committee was drawn up by one of the most learned jurists in Germany, viz., the Bavarian Envoy at the Diet, Dr. von der Pfordten.

Your Lordship is aware that the Corporate Constitution of the Monarchy, dated October 2, 1855, was abolished, as regarded Holstein and Lauenburg, by Royal Patent dated November 6, 1858, and that the future relations of those Duchies to the rest of the Monarchy remain to be settled. As regards Schleswig, the German party cannot deny that, in agitating for a revival of the ancient connexion between that Duchy and Holstein, they aim at an object at once unconstitutional, and contrary to the conditions of the Peace of 1850. They complain, however, that while the Danish Government threatens and prosecutes those who work for a re-united Schleswig-Holstein, it does not scruple itself to try to violate the Constitution of the Monarchy, and the conditions of the peace, by constantly labouring to bring about an eventual incorporation of the Duchy of Schleswig with the Kingdom (not the Monarchy) of Denmark, and by giving free scope and liberty to the organs of the ultra-Danish party, such as the "Fædrelandet," which agitate unceasingly for the extension of the Kingdom of Denmark to the Eider, and for the entire suppression of the Schleswig Constitution. The Eider-Dane party act with as little regard to the existing Constitution of the Monarchy as the Schleswig-Holsteiners, and the encouragement given by the Government to the former party operates as a perpetual excitement to the fears and apprehensions of the latter class of agitators. In all this, the struggle of the conflicting nationalities for the predominance in Schleswig is but too obvious; and the thought is constantly recurring, how desirable a plan of arrangement would be, which should draw a line of separation between the contending races, and should modify the Constitution of the Danish Monarchy upon the principle of that existing for Sweden and Norway, or of some other well-established Monarchical Confederation.

I have, &c.
(Signed) J. WARD.

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No. 139.

*Sir A. Malet to Lord J. Russell.*—(*Received February* 18.)

My Lord, *Frankfort, February* 15, 1861.

WITH reference to my despatch of the 8th instant, giving an account of the proceedings in the Diet in the matter of the Danish Duchies, and referring to the declarations made by the Danish and Netherland Envoys, I have now the honour of inclosing to your Lordship, in translation, the substance of those declarations, as inserted in the Protocol of the Diet.

Your Lordship will observe that these documents coincide in purport with the summary I have already had the honour to lay before your Lordship.

I have, &c.

(Signed) A. MALET.

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Inclosure in No. 139.

*Documents concerning the Constitution of the Duchies of Holstein and Lauenburg, laid before the German Diet at its Fifth Sitting in* 1860.

Denmark *in re* Holstein and Lauenburg.

THE Ambassador, agreeably with the injunctions of his Sovereign, gave the following vote per Protocol.

When the German Diet passed a Resolution conformably with the motion made by the United Committees under date 18th February, 1860, His Majesty's Government thought themselves justified in the confident anticipation, despite the tenour of the said Resolution, that it would not call forth any fresh difficulties. His Majesty's Government still maintain the conviction, that the demands made have no foundation either in history or in justice, seeing that on the one hand, the Constitution of the Provincial Estates confers upon the said Estates the right of decision only in respect of any new imposition of taxes, but no participation in, and still less a decisive vote upon, the application of even the special income and resources; whilst, on the other hand, the Royal Proclamation of 28th January, 1852, promises the right of decision to the Holstein Provincial Estates only in such matters as, agreeably with the regulations contained in the said Royal Proclamation, should be assigned to the provinces in question as their special concerns, not in affairs of common interest. Just as little could His Majesty's Government entertain a doubt that a grant to the Holstein Provincial Estates of a general determinative voice, defined by no ulterior guarantees in matters of common concern, would prove in practice a dead letter. But, on the other hand, the object desired to be attained by that Resolution appeared to be, to secure the Duchies of Holstein and Lauenburg from the influence apprehended from the Council of the Empire ("Reichsrath") existing for the other parts of the Monarchy; the demand based thereon was to the effect that any projects of law that should thenceforth be placed before the Council should also be presented to the Holstein Estates, an eventuality which could only arise when next a meeting of the Council should be convened.

In exact conformity with this character of an eventual protestation or prohibition respectively, the Resolution of the Diet had not insisted upon an immediate recognition, on the part of His Majesty's Government, still less fixed any definite period within which such a declaration should be made.

As meanwhile, in accordance with the existing Constitution, the Council of the Empire would be again convened only in the course of two years, His Majesty's Government considered themselves justified in entertaining the hope that their incessant efforts, free from all impediments on the part of the Diet, would succeed in the course of this interval in the definitive settlement of the relations of Holstein to the Monarchy at large, by the aid of newly-elected Estates, and thereby the great difficulties attendant upon a provisional arrangement be satisfactorily obviated.

With the greater regret, therefore, have His Majesty's Government perceived by the motions in question how, departing from the course hitherto pursued, and ascribing to the Resolution of 8th March a new and unexpected scope, without the assignment of any cause, an immediate and express recognition is demanded from His Majesty Government, a Motion to which they consider themselves the less in a position to accede, seeing that the demands involved in the said Resolution have received an interpretation that would render any administration or government in accordance with existing laws and prescriptions utterly impossible.

Should the United Committees seek occasion for this proceeding in the Motion once brought forward by the Government of the Grand Duchy of Oldenburg, His Majesty's Government are under the necessity, first, of referring back to their exposition of the actual status in their note presented on the 10th

September, 1860. It is therein demonstrated, how the Budget for the Duchies of Holstein and Lauenburg, as fixed in the Legal and Ministerial Gazette of 3rd July, 1860, is a simple repetition and putting together of financial statements formerly adopted, seeing that, in so far as Holstein is concerned, by Royal Patent of 25th September, 1859, independently of any foreign influence, and exclusively by a Sovereign decision of His Majesty the King, long before the Resolution of 8th March, and consequently at a period when the Diet had not yet laid claim to any competence in respect of the common finances, the share of Holstein in the general income and expenditure for the biennial financial period of 1860-62 had already been apportioned.

Any objection, therefore, to the so-called State Budget of 3rd July, 1860, would be to all intents and purposes an objection to the Royal Patent of 25th September, 1859, which, however, even from the point of view assumed in the Resolution of 8th March, could seek a foundation only in the attribution of a retrospective force to that Resolution. But such an interpretation of the said Resolution would not only be incompatible with the most indubitable Sovereign rights of His Majesty the King, but also, as above urged, be in direct contradiction of the tenour of the said Resolution, the object of which was simply to set forth a stipulation deemed desirable by the German Diet for the further procedure of His Majesty's Government for the future; a stipulation, moreover, avowedly acknowledged in every statement to be a new one. If, in order to a certain extent to explain this contradiction, it has been remarked in the Report of the Committee (sub III), that the said Patent was at that time unknown to the Diet, and could not therefore have been alluded to in the Resolution, attention must be directed to the note of the Danish Ambassador of 2nd November, 1859, copied on page 76 of last year's Protocol), wherein stands verbatim as follows:—

"His Majesty has thus already fixed by a Royal Resolution the Budget of the Duchy of Holstein, in so far as the general concerns of the Monarchy are affected, for the ensuing financial period, attended with the specified guarantees."

Whilst in the statement made at the sitting of the 8th March, prior to the passing of the Resolution (page 168 of last year's Protocol), it was thus expressly said and announced:—

"Therefore, as His Majesty also during the last meeting of the Council of the Empire, insured the independence of the Duchies of Holstein and Lauenburg in respect of the Resolutions of the Council, the Budget for the Duchy of Holstein has been already fixed for the ensuing biennial financial period by a special Royal Resolution, prior to the opening of the same, in so far as it effects the common concerns of the Monarchy."

In the face of this repeated and complete statement of the case in point, and upon which at present so great a stress is laid, His Majesty's Government can the less admit that the Diet has been left uninformed of the law involving the said assessment, seeing that this Patent was published forthwith as such, and precisely in such a fashion that the Diet, in quest of occasion for the passing of a Resolution based upon the so-called State Budget of 3rd July, 1860, would assuredly have derived it therefrom.

If the Motion in question makes mention of the supposed rights of the Duchy of Lauenburg as regards this State Budget, it must be remarked, in conclusion, that, on the one hand, for Lauenburg also, the needful ordinances had been issued by Royal Patent of 25th September, 1859; on the other hand, that the special financial position of this province is of so peculiar a nature that the setting before them of the general Budget would not be of the slightest interest to the Lauenburg estates, so that they have never expressed such a wish, either in the Reclamation addressed to the Diet or towards His Majesty's Government.

In case His Majesty's Government should not feel themselves in a position to comply with the requirements of the two first points of the Motion in question, the United Committees have proposed that the procedure entered upon in compliance with the Resolution of 12th August, 1858, be once more adopted.

The Execution on the part of the Diet, as in course of preparation according to the Resolution of 12th August, 1858, and as there and then insisted upon by the Royal Danish Ambassador (995 of the Protocols), scarcely formally justified by the legislative functions of the Diet, which affords no plea for the self-determined combination of the Commission of Execution with a Committee appointed for the management of a special matter, nor with any right to set the

said Commission in action without a formal Resolution of the Diet or without a repeated investigation into the state of the case. These reasons alone would suffice to induce His Majesty's Government to enter a protest against the resumption of measures then in course of adoption, as well as against all further proceedings upon such a basis. But thereto must be added the far weightier consideration that the Resolution of 12th August, 1858, evidently held out a threat of Execution, founded upon totally different premises, and having a totally different end in view, from such as would accompany its present resumption. All that time the various constitutional provisions in the Duchies of Holstein and Lauenburg objected to by the Diet were still maintained in force by His Majesty's Government, and the object of the Resolutions was to effect the abrogation of such provisions. This object was soon after completely attained by the publication of the Royal Patent of 6th November of the same year; and should proceedings in execution be again entered upon under such entirely altered circumstances, such proceedings would not only have to commence with the first stage as prescribed by the regulations as to Executions, but also to set up and limit, as to their scope and tendency, only such demands as the Diet can base upon the laws regulating its constitution.

Hence, in the present state of affairs, His Majesty's Government could regard Executionary measures on the part of the Diet only as a proceeding not in conformity with the Constitution of the Diet, and consequently as beyond its competence.

The sole object of such a proceeding now could be to bring about a new and final arrangement of the relation of Holstein and Lauenburg towards the Monarchy at large. But, on the one hand, this task is not facilitated for His Majesty's Government by the Diet, which objected to those provisions of the Constitution that have been abrogated on the score that such provisions in their opinion infringed upon the parity of rights and the independence of the two Duchies, have not yet precisely defined these general ideas, liable as they are to such diversified interpretation. On the other hand there is not a question simply of what concerns Holstein and Lauenburg, but of those Duchies in their relations towards the entire Monarchy; that is to say, of their constitutional interests in general, and in thus far, as a matter of course, the settlement of these questions no longer lies within the legal competence of the Diet.

Under these circumstances His Majesty's Government might reasonably have expected that the Diet, which, moreover, can have found no special cause for intervention in respect of Holstein, either in a Petition on the part of the Holstein Estates, or in the undertaking of a particular guarantee (*vide* Final Act of Vienna, Article 61), would grant the time needful for the solution of this difficult problem. The more so, seeing that a further proceeding on the part of the Diet in the path entered upon, unforeseen as it has been by His Majesty's Government, renders a normal solution next to impossible; and His Majesty's Government, to their very great regret, cannot but recognise therein, not alone a violation of the Resolutions previously arrived at, but also of the spirit as of the letter of fundamental laws and Treaties equally binding upon all the constituents of the Diet; but above all an infringement of the rights secured to His Majesty the King by those very laws and Treaties.

In consequence hereof the Ambassador has been charged by his Government to record his vote against the motion in question, and referring to preceding statements and protestations, once more to enter a solemn protest against the same in behalf of the sovereign rights of the King, his most gracious master.

## The Netherlands *in re* Luxemburg and Limburg.

The same reasons which precluded the King-Grand Duke from voting in favour of the motions whereon a division took place at the twenty-seventh sitting, of 12th August, 1858, equally prevent His Majesty in the present instance from acceding to the motion of the United Committees under consideration, tending to the eventual resumption of the proceedings then in course of adoption. His Majesty cannot arrive at the conviction that the Diet has a right to pass Resolutions or to make motions so seriously encroaching upon the constitutional and administrative concerns of the Duchies of Holstein and Lauenburg; Resolutions in compliance with which even financial laws actually promulgated, are to be declared null and void.

His Majesty, on the contrary, entertains the firm conviction that those concerns can be settled only in the way of accommodation, and in view of the phase they have entered upon since the participation of the Commission of Execution in the deliberations of the Holstein-Lauenburg Committee, cannot arrive at a successful issue.

Even though the Royal-Ducal Government has held out certain promises as to the relations in which the two Duchies are to be allowed to stand towards the general constitution of the Danish Monarchy, it does not, in the judgment of the Dutch Government, lie in the province of the German Diet one-sidedly to fix, and still less to enforce, the adoption of the form and manner of such relations.

But an essentially conciliatory course should rather have been pursued, and a meeting of delegates from the parties interested, with a view to endeavour to effect a mutual accommodation, would appear at once judicious and requisite.

In this respect it has not escaped the observation of His Majesty the King-Grand Duke that the Holstein Estates have not hitherto applied direct to the Diet, so that there is no statement of grievances or formal motion of any sort whatever on the part of the Estates themselves before the Diet, nor is there any evidence that advances have been made on the part of the Estates of a conciliatory character towards the Sovereign of the Danish Monarchy.

Such being the case His Majesty cannot be induced to yield his assent to motions which, under existing circumstances, he is convinced could only lead to dubious or even serious consequences, with regard to the internal and external constitution of the German Diet.

His Majesty the rather deems it incumbent upon him in his position towards the Diet to express at once his view and his desire that during, and, if need be, beyond the proposed six weeks' interim, endeavours to effect a reconciliation of the character above hinted at should be made.

His Majesty is perfectly assured that with the present rapid progess of events, neither party will deem too rigid a persistency in presumed prescriptive rights advisable, but rather that both will exhibit an inclination, by conciliatory steps in advance, to avoid a deeply to be deplored conflict between the Diet and one of its most important members.

His Majesty's Ambassador in conclusion is charged with the declaration that his Government disavows all responsibility as to the possible consequences resulting from the proposed Resolution.

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No. 140.

*Lord J. Russell to Earl Cowley.*

My Lord, *Foreign Office, February* 23, 1861.

THE Count de Flahault has asked me, in the name of his Government, to furnish him with an outline of the views of Her Majesty's Government in reference to the affairs of Holstein-Lauenburg.

At the request of the French Ambassador, I proceed to communicate to you the general views of Her Majesty's Government on this intricate question.

As a broad principle, they consider that Denmark is in honour bound to redeem the pledges she gave in 1852. In the present stage of the negotiation the German Confederation requires that the taxes and the expenditure of Holstein should be voted by the States of Holstein.

Whether this has always been the rule of the German Confederation may well be questioned. The German States of Austria, for instance, have never apparently been brought under the operation of this rule, and other German States have complied with it rather in name than in reality.

The principle, however, appears to Her Majesty's Government to be one which may fairly be applied to all the States of the Confederation. A Representative Assembly is, according to our ideas, the proper authority for sanctioning a budget of taxes and expenditure, nor in the opinion of Her Majesty's Government would Denmark have any *casus belli* against Germany should the Confederation bring Holstein under the operation of this rule, even by a Federal Execution.

But a practical difficulty occurs on the point often raised, how is Holstein to be charged with the proper proportion of the general expenses of the Danish Monarchy?

It has been proposed that the sums necessary for this purpose should be voted by an Assembly in which Denmark, with 1,500,000 population, Holstein with 500,000, Schleswig with 430,000, and Lauenburg with 80,000, should each have an equal number of members. But this scheme, though it may have a show of justice, is evidently unfair to the people of Denmark

Another plan, which was put forward in Holstein, would give the Diets of Holstein, Schleswig, and Lauenburg, equal power with Denmark to sanction or refuse the taxes and estimates for the year. But this plan is so cumbrous and uncertain that, if ever put into operation, it would only serve to paralyze the Danish Monarchy.

The principle put forward by the Danish Government that the Diets of Holstein and Denmark should each contribute a fixed sum for the general expenses of army, navy, and civil list, leaving the remainder to be voted according to the discretion of each Assembly, seems far more reasonable.

It would be necessary, indeed, to restrict the sum within narrow limits perhaps not more than two-thirds of the amount proposed by Denmark; to have the accounts submitted to the Diet of Holstein as well as to that of Denmark; and to give equal rights to each Assembly to refuse any sums which might be asked for, exceeding the stipulated contingent.

This is a rough outline of the terms upon which Germany and Holstein might agree, if they wished for agreement.

Nothing is here said of Schleswig. The Duchy of Schleswig is a Danish Duchy, and although both the honour and the interest of Denmark require that Schleswig should be equitably treated, the King of Denmark could not without danger treat with Germany respecting the terms to be given to that Duchy.

Since this despatch was written, it has been stated that the States of Holstein have been summoned to meet on the 6th of March, so that some time for deliberation will be obtained.

Your Excellency may read this despatch to M. Thouvenel, and say that it has been written in consequence of M. de Flahault's inquiry.

I am, &c.

(Signed) J. RUSSELL.

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No. 141.

*Mr. Ward to Lord J. Russell.*—(*Received February* 25.)

My Lord, *Hamburgh, February* 22, 1861.

I HAVE the honour to apprise your Lordship that, by a patent, or proclamation, of the King-Duke, published on the 20th instant, the States of Holstein have been summoned to an Extraordinary Meeting at Itzehoe, on Wednesday, the 6th of March next. The Count Arthur Reventlow-Sandberg, Curator of the University of Kiel, is appointed the Royal Commissioner to this Meeting.

Various rumours are current here with respect to the nature of the new propositions which the Danish Government is to make to the Meeting, but as nothing official can be yet known on the subject, I forbear from troubling your Lordship with any observation beyond this, that the fact of the Holstein States being again summoned, appears inconsistent with the supposition that the King-Duke has any serious intention of opposing force to the impending Execution on the part of the Germanic Confederation.

I have, &c.

(Signed) J. WARD.

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No. 142.

*Mr. Paget to Lord J. Russell.*—(*Received February* 26.)

(Extract.) *Copenhagen, February* 22, 1861.

I HAVE the honour to transmit to your Lordship a translation of an Address which has recently been forwarded to the Diet at Frankfort by certain inhabitants of Holstein. The object of this Address would appear to be to implore the Diet not to give effect to the Decree of Execution, unless it is to bring about the political union of Schleswig and Holstein.

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## Inclosure in No. 142.

*Address.*

Diet of Germany! The Undersigned, the inhabitants of towns in the Duchy of Holstein, belonging to the German Diet, have the honour respectfully to address the following lines to you :—

We have learned from the newspapers that a Federal Execution may perhaps take place very shortly in Holstein, in order to secure the rights of the German Confederation with regard to Holstein, and also the rights of the inhabitants of this Duchy with regard to their Royal House, and a considerable political Party in Copenhagen. However pleased, not only we, ourselves, but every one in our country must be at obtaining such proofs of sympathy from our Federal associates, we cannot view such a measure without a certain mistrust. Gentlemen, what will the proposed Federal Execution effect? The answer lies in what is stated above. It will maintain the rights of the German Confederation with reference to Holstein, and protect the inhabitants of that Duchy against the attacks of any, be he who he may. But, Gentlemen, for 1,800 years, as history teaches us, Holstein has for a longer or shorter period carried on occasional war with Denmark, which sometimes declared itself in favour of one side, sometimes of the other, and which in 1851 was decided, temporarily, in favour of the Danes by the German Federal troops. But on what grounds has this strife of eighteen centuries been carried on? Why have so many thousands in that period shed their blood? Why have so many millions been spent? Why have we, finally, so many thousands of invalids, widows, and fatherless, the result of last war? Answer! Only for our brothers' rights in Schleswig. We have, then, a Federal Execution in view. Heaven guard us against such an Execution as we experienced in 1851, when our friends and Federal associates took the weapons out of our hands, and delivered us, unarmed, to our enemies, permitting them to seize our excellent war material and our fleet (both obtained and built by our countrymen's sweat and blood), to use, at will, not only against us, but against our Federal associates—against the whole of Germany. Federal Diet! All the Undersigned, who in the last three years' war have staked and imperilled life and property in the cause of the Duchies, are proud to call ourselves *vis-à-vis* our enemies, in a limited sense, Holsteiners, but in a more extended sense Schleswig-Holsteiners. But just as proud are we of being a member, even though a discarded member, of the great German Fatherland. This last expression is a ground for our declaring that a Federal Execution, if it is to take place, can only be of efficacy for the interests of the Duchy of Holstein, and for the honour of Germany, if the union of the Duchies of Schleswig and Holstein, which has been sworn to by all Danish Kings, from Christian I, 1444, to Christian VIII, 1842, can be secured. Federal Diet! All the Undersigned are fathers of families! We know how to bring up our children so as to be worthy of theri ancestors, and we make, therefore, only the simple request—Rather no measures than half measures.

We remain, &c.

*January* 1861.

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## No. 143.

*Mr. Paget to Lord J. Russell.*—(*Received February* 26.)

(Extract.) *Copenhagen, February* 22, 1861.

I HAVE the honour to inclose, herewith, a translation of the Royal Patent which was signed by His Majesty on the 19th instant, convoking the Holstein States in extraordinary session for the 6th March next.

Your Lordship will remark that the Assembly is directed so to arrange its discussions that the session can be brought to a close in three weeks. This time will bring them to the expiration of the period allowed to Denmark to reply to the demands of the Diet.

Count Arthur Reventlow is to be the King's Commissioner at the Holstein Diet, and is to arrive at Copenhagen in a few days to receive his instructions.

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Inclosure in No. 143.

*Royal Patent of February* 19, 1860, *convoking the Provincial States for the Duchy of Holstein.*

(Translation.)

WE, Frederick VII, by the grace of God, King of Denmark, &c., do hereby make known.

We have deemed it right, in reference to section 10 in the Decree of the 11th of June, 1854, relative to the Constitution of the Duchy of Holstein, hereby to decree the Convocation of the Provincial States of this Duchy in an Extraordinary Assembly for Wednesday, the 6th of March of the current year. In bringing this to the knowledge of all our good and faithful subjects in our Duchy of Holstein, we enjoin, at the same time, on our faithful Provincial States, the Deputies, or in their place their substitutes, to be present on the aforesaid 6th of March, in our town of Itzehoe, in order to learn what we may have to lay before them by our Commissioner.

The Assembly is so to conduct its discussions that they can be brought to a close in three weeks; to which persons, all and singular, are to conform.

Given at our palace of Christiansborg, February 19, 1861.

Under our Royal hand and seal.

(Signed) FREDERICK R.

(Countersigned) RAASLOEFF.

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No. 144.

*Earl Cowley to Lord J. Russell.—(Received February* 27.)

(Extract.) *Paris, February* 26, 1861.

I READ this afternoon to M. Thouvenel your Lordship's despatch of the 23rd instant, stating, in answer to an inquiry made by the Count de Flahault, the views of Her Majesty's Government with respect to the Holstein question. M. Thouvenel observed that he coincided in the opinions expressed in your Lordship's despatch.

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No. 145.

*Lord J. Russell to Earl Cowley.*

(Extract.) *Foreign Office, February* 27, 1861.

YOU will endeavour to agree with M. Thouvenel as to the instructions to be given to the English and French Ministers at Copenhagen, and send an identical telegram to Mr. Paget, so that Her Majesty's Government and the French Government may express the same opinion. I am glad M. Thouvenel concurs in the views of Her Majesty's Government.

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No. 146.

*Earl Cowley to Lord J. Russell.—(Received March* 2.)

(Extract.) *Paris, March* 1, 1861.

I SAW M. Thouvenel as soon as possible after the receipt of your Lordship's despatch of the day before yesterday, and informed him that I was authorized to concert with him instructions for transmission to the British and French Legations at Copenhagen, with reference to the point that the common Budget of the Danish Monarchy should be submitted to the consideration of the Diet of Holstein. This pretension did not appear unreasonable either to M. Thouvenel or myself. On the contrary, we considered that it was but equitable that the scheme of repartition of the common expenses should be made known to that Diet, and its consent asked to the quota to be paid by

Holstein. We thought it better not to enter into the question whether the sum should be fixed once for all, or whether it should be voted annually, or for a certain number of years; but of course the Danish Government cannot expect that the Diet of Holstein will submit to be differently treated in this respect from the other component parts of the Monarchy.

In virtue of your Lordship's instructions, I addressed a telegram to that effect to Mr. Paget.

M. Thouvenel undertook also to inform the Russian Government of the instructions sent to the two Legations, and to suggest that similar instructions should be sent to the Russian Minister at Copenhagen.

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No. 147.

*Lord A. Loftus to Lord J. Russell.*—(*Received March* 4.)

My Lord, *Berlin, March* 2, 1861.

I HAVE had some conversation with Baron Schleinitz on the question of the Duchies of Holstein and Lauenburg. His Excellency stated that if, at the approaching meeting of the Holstein States, the Danish Government would agree to submit the Budget to that body all difficulties as regarded the financial question would be thus arranged.

He begged me to thank your Lordship for the steps you have taken in this matter, and stated that your Lordship had resumed very correctly in a few words the necessities required of Denmark, namely, "that the Danish Government should treat their German in the same manner as they treated their Danish" subjects.

In the course of conversation I observed to Baron Schleinitz that I had been informed that both the French and Russian Ministers at this Court had spoken in favour of the maintenance of the "Provisorium," and of not attempting any definite arrangement under present circumstances.

Baron Schleinitz confirmed this information, stating that he coincided in those opinions. He explained to me that no definitive settlement could take place which did not embrace likewise the question of Schleswig, and that, consequently, he was extremely glad that this very complicated and thorny question should not be unnecessarily mooted at a moment when it might create much popular excitement both in the Duchies and in Germany.

I have, &c.

(Signed) AUGUSTUS LOFTUS.

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No. 148.

*Mr. Ward to Lord J. Russell.*—(*Received March* 9.)

My Lord, *Hamburgh, March* 7, 1861.

I HAVE the honour to inform your Lordship that the States of Holstein met yesterday at Itzehoe, in pursuance of the Royal summons.

The Danish Minister for Holstein, M. Raaslöff, appeared as Commissioner on the part of the Crown (the Commissioner previously named, Count Reventlow Sandberg, having declined the office), and opened the meeting with a speech couched in general phrases, without any particular explanation of the propositions to be made by the Government.

The States elected for their President the Baron Charles de Scheel-Plessen, who has filled the chair during several former sessions of the States, and is one of the foremost supporters of the Constitutional rights of the Duchy.

To-day a Committee was to be appointed for the examination of the Government propositions, which have not yet been published *in extenso*, but were to be embodied in two projects of laws, the one for amending the provincial Constitution of the Duchy of Holstein, the other for provisionally determining the position of the Duchy of Holstein in regard to the common affairs of the Monarchy.

I shall be enabled to advert more particularly to the nature of those laws in the course of a day or two.

I have, &c.
(Signed) J. WARD.

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No. 149.

*Mr. Paget to Lord J. Russell.—(Received March* 11.)

(Extract.) *Copenhagen, March* 3, 1861.

I RECEIVED on the evening of the 23rd ultimo a telegram from Earl Cowley, instructing me, in conformity with orders he had received from your Lordship, to unite with my colleagues of France and Russia in urging on the Danish Government the necessity of submitting for the approbation of the Holstein States the quota to be contributed by Holstein towards the general expenses of the Monarchy.

On calling on M. Dotezac the next morning I found he had received orders of similar purport from M. Thouvenel, and Baron Nicholay had for some days been in possession of instructions from St. Petersburgh, which enabled him to act with us. It was, therefore, settled that we should at once proceed to M. Hall, and that we should invite our Swedish colleague to join us, to which he readily assented.

M. Dotezac, in his quality of doyen, informed M. Hall of the object which brought us. He said that we came in the name of our respective Governments, from whom we had just received instructions to urge collectively on the Danish Government the necessity of submitting to the Holstein States the share to be paid by Holstein towards the common expenses of the Monarchy, that our Governments gave this advice out of motives of the sincerest regard for Denmark, that they considered the measure equitable in itself, and were unanimously persuaded it was the only one which could avert the Federal Execution.

M. Hall replied that he would in a few days communicate to us the resolutions which were to be submitted to the King in Council on the following day, and that in them we should find the Danish Government had gone to the utmost lengths in the way of concessions to the Holstein States; that the object had been to give them as much autonomy as possible; and that every satisfaction had been given to their just demands.

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No. 150.

*Mr. Paget to Lord J. Russell.—(Received March* 11.)

My Lord, *Copenhagen, March* 8, 1861.

I HAVE the honour to inform your Lordship that on the meeting of the Holstein States on the 6th instant, Baron Scheel-Plessen was unanimously elected President of that Assembly.

I have, &c.
(Signed) A. PAGET.

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No. 151.

*Mr. Howard to Lord J. Russell.—(Received March* 11.)

My Lord, *Hanover, March* 9, 1861.

I TOOK an opportunity of asking Count Platen this morning what he thought of the proposals submitted by the Danish Government on the 6th instant to the States of Holstein, relative to the future Constitution of that Duchy, and to its provisional administration.

His Excellency replied that he did not consider these proposals to be of such a nature as to afford a prospect of their being accepted by the States; and amongst their provisions likely to be objected to, he cited that according to which the members of the Upper Chamber are to be named solely by the King.

His Excellency added that what he most regretted was that the Danish Government should not have complied with the demands of the German Diet, as well as with the advice which he understood had been given them by England, France, and Russia, by submitting to the States the Budget for 1861, because, had they done so, the question of a Federal Execution would have been set aside for the present.

His Excellency remarked, however, that he did not believe the Danish Government had said their last word; and he expressed the hope that they would be induced to make further concessions.

Count Platen, as your Lordship will remember, has always conveyed to me the opinion that the Diet, on its side, has no wish to precipitate matters, and that months will elapse before any decisive steps are taken by it in this question.

I have, &c.

(Signed) HENRY F. HOWARD.

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No. 152.

*Lord A. Loftus to Lord J. Russell.*—(*Received March* 11.)

My Lord, *Berlin, March* 9, 1861.

I INQUIRED yesterday of Baron Schleinitz what impression he had formed of the proposals submitted to the Holstein States by the King of Denmark.

His Excellency replied that he had not yet had time to peruse them carefully, and could not as yet express any decided opinion upon them, but that he had observed with regret that no engagement had been taken to submit the Budget to that body, as had been requested by the Germanic Diet.

This point, said his Excellency, forms the kernel of the whole question at issue, and has been the cause of the present litigation between Germany and Denmark.

His Excellency expressed himself in very moderate terms, and is evidently very desirous that this question should not be pushed to extremities, nor be productive of a rupture with Denmark.

He hopes that the Danish Government will come to terms directly with the Holstein States, and thus render unnecessary all further intervention on the part of Germany.

These are the hopes of his Excellency, but they are outweighed by hi fears for the contrary.

I have, &c.

(Signed) AUGUSTUS LOFTUS.

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No. 153.

*Consul-General Crowe to Lord J. Russell.*—(*Received March* 11.)

(Extract.) *Leipsic, March* 7, 1861.

IT is now discovered that the occupation of Holstein may possibly involve an unexpected *casus belli*, in consequence of the complete uncertainty which exists as to what is the frontier of Holstein and Schleswig.

In order to make this question as clear as possible, I have the honour to inclose a sketch map of the countries bordering on the Eider, with the frontier claimed by Denmark painted blue, and that claimed by the Confederation painted red. Your Lordship will see that the Danes claim the Island of Fehmarn; that they claim the centre of the waters of the Kiel-Busen as the line of demarcation, half the city and fortress of Rendsburg, and all the country north of the Eider. The Germans, on the other hand, also Fehmarn and the whole of the Kiel-Busen. They take the north bank of the Eider as the line of demarcation, including a piece of the old bed of the river east of Rendsburg, and beyond the present canal. They claim the right to fortify Friedrichsort on the north bank of the Kiel-Busen. They insist on having the whole of Rendsburg, with a large tract north of the river attached to it; and finally they affirm their right to the whole district of Stapelholm.

It is not to be supposed that if the Bundes-Execution takes place the troops of the Confederation will avoid Rendsburg. It is far more probable that they would occupy that city and the frontier claimed by the Germans; and it would lie with Denmark to consider the occupation of the disputed points as a *casus belli*.

Fortunately the Bundes-Execution, which is taking its course according to the precedent of 1820, is likely to be much slower in its progress than I had anticipated; and I find according to the "Executions-Ordnung" of that year, that the time occupied in the necessary formalities may be computed as follows:—

*Executions-Ordnung.*

| | |
|---|---|
| Article 3. 1st Respite.—For fulfilment by Denmark of the Resolution of the Diet, or a justification (7th February to the 21st of March) .. .. .. .. .. .. | 6 weeks |
| Failing the fulfilment or justification the Execution Commission of the Diet has to report its decision, which must be submitted to the various Governments for consultation .. | 3 weeks |
| After submission of the Report, vote of the Diet *in plenum* .. | 3 weeks |
| Article 4. 2nd Respite.—To carrying out the formalities of the Resolution voted by the Diet .. .. .. .. | 4 weeks |
| Submitting the vote of the Diet to Execution Committee .. | 6 weeks |
| Article 7.—The Execution being finally recognised, Commission to one of the Federal Powers to carry it out. Resolution of the Diet on this point .. .. .. .. .. | 3 weeks |
| Article 10. Last Respite.—To Denmark through the Federal Power charged with the Execution .. .. .. | 3 weeks |
| Total .. .. .. .. .. | 28 weeks |

Thus the Bundes-Execution cannot take place till the middle of August, and may be protracted further.

Denmark, of course, may precipitate matters by waving all respite.

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Inclosure in No. 153.

*Map of the Disputed Frontier of Schleswig-Holstein.*

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No. 154.

*Mr. Paget to Lord J. Russell.*—(*Received March* 14.)

(Extract.) *Copenhagen, March* 11, 1861.

I HAVE the honour to transmit to your Lordship herewith translations of the King's notification to the Holstein States, the draft of a provisional arrangement to take effect on the 1st of April, 1861, and the draft of a special Constitution for Holstein.

The Special Constitution for the Duchy appears to be drawn up, as M. Hall led me to believe it would be, in entire accordance with the wishes expressed by the States of Holstein in their Report of March 1859, and to give every security to both civil and religious liberty.

I regret, however, to say that the accounts from the Duchy are anything but promising as to the success of the new propositions.

Baron Plessen, indeed, inaugurated his election as President of the Assembly by a speech in which he dwelt much on the necessity of moderation and conciliation; but M. Orla Lehmann, a very strong Schleswig-Holsteiner, and a member of the German "Nationalverein," whose meetings in Holstein, as your Lordship is aware, have been forbidden, is chosen Reporter to the Committee.

In the meantime it is reported that nearly 200 petitions have been presented to the members of the States, praying them to assent to no arrangement with the Danish Government which does not re-establish the political union between Schleswig and Holstein as it existed before 1848.

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SCHLESWIG

SCHLESWIG

Eidersted

Stapelholm

Dannewerk

Dannewerk

Danischer Wold

RENDSBURG

Kleiner Busch

Fehmarn

Suder

Meldorf

Neumünster

WAGRIEN

HOLSTEIN

Disputed Frontier of Schleswig-Holstein.

Danish Frontier

German Frontier.

Inclosure 1 in No. 154.

(Translation.)

*Notification to the Holstein States respecting their humble Representations, made in the year* 1859, *on the subject of the Constitution, as also regarding the steps which further will have to be taken with reference to it.*

WE, Frederick VII, by the grace of God King of Denmark, &c., &c., to our faithful Assembly of the States of Holstein, greeting.

As already stated in our Patent of September 23, 1859, which contained some temporary resolutions for better securing the interests of the Duchy of Holstein in the management of common affairs, we have not, in the Report of our faithful Assembly of the States of Holstein, dated March 11 same year, on the subject of the proposals which we considered it necessary to make to effect the completion of the Constitution of the Duchy of Holstein, and by which an opportunity was offered to the Assembly of the States to bring forward its wishes and prayers concerning the Constitutional position of the Duchy of Holstein in our common Monarchy, on the basis of the Patent of January 28, 1852,—been able to discover proposals suitable to serve as a foundation for a Constitutional re-organization in the direction indicated, and then to receive our Royal sanction. If even we do not misjudge the earnestness and care with which the Assembly entered upon the task laid before it, and sought to accomplish it on the indicated basis, yet the examination of its draft of a common Constitution for the Danish Monarchy could not fail to convince us that the conditions set forth therein, but especially the principal proposal regarding the management of the common affairs by four separate Assemblies, are, on the one hand, in contradiction with the aforesaid Patent; on the other hand must, in practice, make any regular Government impossible.

While we were thus obliged to relinquish all hope of accomplishing a satisfactory re-organization of the Constitutional regulations of our Monarchy, on the basis thus proposed by our faithful Assembly of the States, we were induced, by love for our people, and for the better security of the interests of our Duchy of Holstein in the interim, to make the arrangements contained in our Patent of September 23, 1859, for the period which, under all circumstances, it was to be feared would yet elapse before the accomplishment of the object in view. But simultaneously we made known our Royal will that continued endeavours should be made to accomplish a Constitutional reunion of our Duchy of Holstein with the portion of our Monarchy not belonging to the German Confederation. In conformity herewith, we notified to the Federal Assembly the intention to cause Deputies for Holstein to assemble with Representatives for the other portions of the Monarchy, to negotiate on the subject of a suitable adjustment of the affairs in common.

When convinced that an understanding with the Federal Assembly respecting the manner in which the said arrangement should be carried into effect was not to be expected, the said plan had to be abandoned, as, under such circumstances, no good could result from it. On communicating the declaration on this subject to the Federal Assembly, we directed our Federal Envoy, at the same time, to notify that, nevertheless, the intention of the Government was, not to relinquish their efforts to bring about a common Constitution, but that, on the contrary, they would be prepared, at the conclusion of the election of new members to the Assembly of States of Holstein, which was to take place towards the close of last year, to obtain direct negotiations with the fresh-elected Assembly on the subject of a draft of a new common Constitution.

But steps have been taken by the German Confederation which must greatly influence the regular progress of the aforesaid question. By the Federal decision of March 8 last year, the demand is made that during the Provisional State, until the establishment of a common Constitution, all drafts of laws laid before the Council of State ("Rigsraad"), to be valid in Holstein, shall also be laid before the States of that Duchy, and that no laws respecting common affairs, even in financial matters, must be issued for the Duchy without the sanction of the Assembly of the States; and by a further Resolution of February 7 this year, the Confederation has threatened us with a Federal Execution, provided the said demand be not satisfied by the period stipulated. Under these circumstances, we have not deemed it advisable to lay before the Assembly a new and complete draft of a common Constitution. Independent of the difficulties which

have hitherto been opposed to the consideration of this question, and which have not been diminished by the proposals of the Assembly of the States during its last session, the present moment appears little suited to try such a proposal with that earnestness and impartiality which are necessary, if a favourable result is to be expected.

Nevertheless, we desire to make a preparatory step in the indicated direction, by which a definitive and satisfactory solution of the question of a Constitution may be arrived at.

Acting on the supposition, based on general experience, that the division of the common Representation of the Monarchy into two Chambers might, on the one hand, be suited to remove the objections against the existing form of Repret sentation, while it might secure for the whole institution a more advantageous development, we have instructed our Commissary to call upon the Assembly to express itself on the subject of the introduction of such an organization, which would have to be effected in the following manner, viz., that the Council of State (Rigsraad) established by the said Constitutional Law be divided into two Chambers, in such manner that the First Chamber be composed of at least thirty members, chosen for life-time, by us, in accordance with our best judgment; the Second Chamber to consist of sixty members, whereof half to be chosen direct and half indirect, in accordance with the rules hitherto observed, but only for six years, and that then all laws respecting common affairs are to be laid before both Chambers for decision.

In further carrying out this change, we would also be prepared to furnish the eventual new common Representation with more enlarged Constitutional privileges. In laying before the existing Council of State (Rigsraad), for its decision, the modifications which, with reference to the aforesaid system of two Chambers, would have to be made in the common Constitution, we would make proposals with a view of reducing, by one-half, the present census for the indirect election to the Council of State (Rigsraad), and to afford both Chambers in the new Council of State the privilege of taking the initiative in drafts of laws. When the modified Law of a Constitution has been presented to and accepted by the existing Council of State, we will also cause it to be laid before our faithful Assembly of the States for decision, and in this manner bring the question of a Constitution to a conclusion.

But, independently of said proposal, we have felt it necessary to be prepared to bring about a new adjustment of the state of affairs during the Provisorium.

As it has, however, appeared impossible to us to comply with the demand made in the Resolution of the Federal Assembly of the 8th of March last year, we have caused a draft of a Law to be made respecting the provisional state of Holstein with regard to the common affairs of the Monarchy, and instructed our Commissary to lay the same before the Assembly. Respecting the conditions in this draft, we refer to the explanatory Minutes which accompany it, and entertain the hope that our faithful States will find in this proposal evidence of our desire also in this respect to advance the welfare of our Duchy of Holstein. By the said Provisorium the Assembly will obtain an additional security for the protection of the interests of the Duchy, and by the thus-enlarged right of self-government a considerable share in the resolving power in matters concerning the common affairs of the Monarchy.

Finally, we have decided again to cause a draft of a Constitutional Law for the special affairs of the Duchy of Holstein to be laid before our faithful States. It causes us particular satisfaction that it has been practicable, in drawing up said document, to take into special consideration the prayers of the States contained in their aforesaid draft of a Constitution. The draft, in its present form, offers a rich field for civil liberty, such as we have ever desired our beloved subjects to be in enjoyment of, and have given them, as far as circumstances have permitted it.

With regard to the other prayers made by the Assembly of States during last session, and the petitions supported by it, we reserve to ourselves to notify our pleasure at a future period.

Given under our Royal Hand and Seal at our Palace of Christiansborg, March 2, 1861.

(Signed) FREDERICK.

(Countersigned) RAASLOEFF.

Inclosure 2 in No. 154.

(Translation.)

*Draft of a Law on the Provisional State of Holstein, with reference to the Common Affairs of the Danish Monarchy.*

§ 1. AS regards those matters which, in accordance with our Royal Patent of 28th January, 1852, belong to our Ministries for Foreign Affairs, of Finance, of War, and of Marine, our Duchy of Holstein shall retain an administration in common with the other portions of our Monarchy.

§ 2. Changes in the existing laws concerning taxes and duties, due to the common Treasury, the Royal Domains, the Customs, the Eider Canal dues, the port and telegraph establishments, and the affairs of the mint, in the Duchy of Holstein, shall in future only take place with the previous sanction of the Assembly of the Land-States of the said Duchy.

§ 3. From those detachments of the army which are recruited in the Duchy of Holstein, a separate division shall be formed with regard to the expenses connected therewith. Alterations in military laws shall, as far as they concern the said division of the army, only take place with the sanction of the Land-States.

§ 4. Laws concerning an alteration in the present system of recruiting men to the army or the navy, and the procuring of horses, provisions, fodder, quarters, and similar matters, in so far as they concern the Duchy of Holstein, require the sanction of the Land-States.

§ 5. In a like manner the law respecting the rights of natives can only be altered, and the privileges of natives only be conferred, by us on foreigners residing in the Duchy of Holstein, with the previous sanction of the Land-States.

§ 6. In so far as the alterations in the code of laws, named in paragraphs 2 and 5, are of such a nature that their execution requires corresponding alterations in the code of laws of the other portions of the Monarchy, we will not give our Royal sanction to the draft of Law in question, before the Council of State ("Rigsraad") has taken a decision.

We will cause to be laid before the Assembly of the Land-States, in the regular order of business, proposals to such decisions, which shall be suitable to adjust eventual deviations in the Resolutions. Should it, notwithstanding these decisions, be impossible to arrive at a final resolution, and if an alteration in the present code of laws be acknowledged as necessary by us, and by one of the said Assemblies, then we reserve to ourselves, with the sanction of this Assembly, to effect the alteration in the portion of the Monarchy interested; and further, to take such measures in the administration of affairs as may be necessary, in consequence of the restrictions caused by said alteration in the hitherto existing union of affairs.

§ 7. The Assembly of the Land-States is entitled to propose to us changes in the code of laws in the matters mentioned in paragraphs 2 and 5.

§ 8. The Assembly shall likewise be entitled to present and support proposals, petitions, and complaints in all affairs in common with the Monarchy, in so far as they concern the interests of the Duchy of Holstein. Our Royal Resolution respecting such proposals, as well as those mentioned in the foregoing paragraphs, shall be communicated to the Assembly of the Land-States, provided they are still assembled, otherwise to the next Assembly.

§ 9. The expenses concerning the following affairs and institutions shall be voted by the Land-States of Holstein, but defrayed from the common revenues of the Monarchy:—1. The frontier Customs Establishments in the Duchy of Holstein; 2. The local administration of Customs in the Duchy; 3. The local administration of the Post-office and State telegraphs of the Duchy; 4. Pilots, lights, and beacons on the coasts of Holstein; 5. The central Deposit Bank in Rendsburg; 6. The Mint in Altona.

§ 10. For that division of the army mentioned in § 3, the expenses shall also be voted by the Land-States of Holstein, but defrayed from the special revenues of the Duchy.

§ 11. The ordinary expenses of those branches of Administration mentioned in paragraphs 9 and 10 will have to be fixed by a normal Budget; the extraordinary expenses to be voted by special additional laws.

Until this normal Budget can be settled by law, we will fix a preliminary

normal Budget, in which those expenses shall be named which are sanctioned by existing laws, or by the ordinary requirements of the different branches of Administration.

But the total sum of each of the chief sections of this Budget must not exceed the average amount of those sums which have been sanctioned for the same purposes for the financial periods from April 1, 1856, to March 31, 1860. That part of this normal Budget which concerns the above-mentioned division of the army includes, besides the special expenses of said division, a fixed annual contribution to such military institutions, which, after the formation of this division, remain in common for it with the rest of the army. The amount of this contribution must, in the preliminary normal Budget, not exceed 21·64 per cent. of the average amount of the sums granted for the same purpose for the financial periods from April 1, 1856, to March 31, 1860.

§ 12. In future 21·64 per cent. of all revenues in common shall be credited the special Treasury of the Duchy of Holstein, with the exception of such contributions from the individual provinces of the country which are taken from their separate revenues (§ 10 in the preliminary Normal Budget of 28th February, 1856).

But the surplus of the revenues of the Royal domains in the Duchy of Holstein shall, against an annual fixed payment of 640,000 rix-dollars to the common Treasury of the Monarchy, belong to the special revenues of the Duchy of Holstein. With respect to the voting of the expenses which are to be defrayed from the revenues of these domains, the rules laid down in § 11 are applicable, though with observance of the Resolutions in our Patent of 23rd September, 1859, respecting a change in the posting and calculation of sundry revenues and expenses, relating to the domains in the Duchy of Holstein, in conformity with the Budget.

Should there, in any matter relating to the common revenues, be effected a restriction in the existing union, in accordance with the Resolutions in § 6, then the revenue thereby affected shall no longer be a common, but a separate one.

§ 13. To cover the following common expenses of the Monarchy, a fixed annual contribution is to be made by the separate Treasury of Holstein; its amount can only be increased with the sanction of the Diet of the Duchy, viz. :—

| | Rd. |
|---|---|
| The Civil List .. .. .. .. .. .. | 173,000 |
| The appanages to the members of the Royal Family .. .. | 80,000 |
| The Privy Council .. .. .. .. .. | 15,000 |
| Interest on and liquidation of the National Debt .. .. | 1,187,000 |
| The Ministry for Foreign Affairs .. .. .. .. | 52,000 |
| The Ministry of Marine .. .. .. .. .. | 440,000 |
| The Ministry of Finance (including expenses of the Monarchy hitherto appearing in the budget as incidentals) .. .. | 133,000 |

The special Treasury of the Duchy will furthermore have to pay 21·64 per cent. of the amount required to defray common pensions of functionaries and their survivors, of inferior classes of the army, and of invalids, in accordance with the existing laws and regulations. Extraordinary pension-laws for functionaries acting in the Duchy under the Ministry for Common Affairs, and for their survivors, must be laid before the Diet.

Provided 21·64 per cent. of the annual amount required to pay the interest and liquidation of the national debt of the Monarchy can, in consequence of eventual alterations in the amount of the said debt, or in its interest or liquidation, permanently be reduced below the above-mentioned 1,187,000 rix-dollars, then the fixed annual contribution from the special Treasury of the Duchy of Holstein shall be reduced in proportion. But the Duchy shall pay 21·64 per cent. of the eventual underbalance of the public fund for widows.

The Regulations in our Royal Patent of 23rd September, 1859, respecting the amount payable by the Duchy of Holstein to cover the common expenses of the Monarchy, during the financial period from April 1, 1860, to March 31, 1862, shall serve as a guide for the financial period from April 1, 1861, to March 31, 1862.

§ 14. As regards provisional laws, and expenses not voted, the Regulations in paragraphs 15 and 17 of the Law respecting the Constitution of Holstein shall remain in force also in common affairs.

§ 15. The State account is to be laid before the Diet for consideration, before it is adopted by us.

§ 16. Laws by which this law is altered, as well as laws which have in view a further development of the position of the Duchy of Holstein in the Monarchy, can only be made with the previous sanction of the Diet of Holstein.

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Inclosure 3 in No. 154.

*Draft of a Law respecting the Constitution of the Duchy of Holstein.*

(Translation.)

§ 1. OUR Duchy of Holstein has, as an independent portion of the Danish Monarchy, its own legislation and administration with reference to its special affairs.

The special affairs are :—

Every obligation consequent on the relation of the Duchy to the German Confederation.

Justice and police (with the exception of that part which is entrusted to the army), including the general legislation on the subject of municipal affairs, crimes, and magisterial proceedings;

Recruiting of naval or military forces which, in accordance with existing plans, or the laws emanating from the legislation for common affairs, are to be supplied by the Duchy of Holstein ;

Supply of horses, provisions, fodder, quarter, and similar necessities, which the Duchy in a like manner is bound to contribute;

Church and education, including public schools, with the exception of those belonging to the army ;

Municipal affairs ;

Pauper establishments ;

Trade and commerce ;

Agriculture ;

Taxation on real property, private fortune, income, and trade ;

Stamps and all special revenues, expenses, and any new tax, having in view a special income for the Duchy of Holstein ;

The raising of funds required for the redemption of the assignats issued by the Holstein Treasury, as well as of any new debt incurred by the Duchy of Holstein on its own account;

Sanitary affairs ;

Roads and railways ;

Supply of free public conveyances for Government purposes ;

Insurance ;

Wrecks and salvage ;

Militia ;

Entailed estates, and public institutions ;

The dykes ;

Administration of the domains and forests in the Duchy.

§ 2. As special affairs, in common between the Duchies of Schleswig and Holstein, will be considered those which, in accordance with our Royal Patent of January 28, 1852, are not political institutions, namely :—

The University of Kiel ;

The Order of Knighthood (Ritterschaft) ;

The Eider Canal (exclusive of the Customs Tariff) ;

Fire Insurance establishments ;

The Prisons ;

The Deaf and Dumb Asylum ;

The Madhouse.

§ 3. The supreme power in special affairs of the Duchy of Holstein (§ 1) which belongs to us, with the restrictions stipulated below, will be exercised by us through our Minister for the Duchy of Holstein and Lauenburg.

Royal Patents respecting the special Legislation and Administration of the Duchy of Holstein, must, in order to be valid, also be signed by our Minister for the Duchy of Holstein and Lauenburg, who by such act is made responsible.

§ 4. The Minister for the Duchy of Holstein and Lauenburg can be

prosecuted by us, or by the Assembly of the States, for violating the present Constitutional Law. In the latter instance, such complaint must be made through the President of the Assembly, whose functions continue in force so far as they may be necessary for the prosecution, after the dissolution of the Assembly, and is to be judged by the High Court of Appeal of the Duchy of Holstein and Lauenburg. Until a law has been issued with regard to the mode of prosecution and punishment, the High Court of Appeal shall proceed in the treatment of such a complaint in accordance with the usage observed in fiscal proceedings by the Holstein Chief Dyke Court; the trial to be held verbally and publicly, and the punishments to be inflicted in such cases are, dismissal or forfeiture of office; the last punishment deprives the person concerned of access to any office in the service of the State.

A free pardon can, in these cases, only be granted with the sanction of the Assembly of the State.

§ 5. The Evangelican-Lutheran Church is the State Church of our Duchy of Holstein. Its revenues must not be diminished, and must only be applied to its own purposes; and if, to accomplish such purposes, it be necessary to raise funds, they shall be supplied from the revenues of Holstein. The clergymen of this State Church shall continue, in future, as hitherto, to take part in the inspection and management of the public schools and the poor-houses.

§ 6. The King can dismiss the functionaries appointed by him. Their pensions will be fixed by the Pension Law, or, until such a law has been made, in accordance with the rules hitherto observed. The functionary who is removed against his wish has a right to claim his discharge with usual pension.

Functionaries who only hold the office of Judge cannot be dismissed in any other manner than by law and judgment; but when they have completed their sixty-fifth year they can be removed by the Government, but in such case they are entitled to their full pay as pension. Such a measure may also, from other reasons, be taken with respect to the said judicial functionaries, when the majority of the High Court of Appeal, on special grounds, have sanctioned it.

7. For the purpose of settling disputes as to competency between the judicial and administrative authorities, a Tribunal of Competency, composed of administrative and judicial functionaries, shall be established.

Until a law to this effect has been made, we, however, reserve to ourselves the right of settling such matters in our Privy Council; but every one is bound, meanwhile, to comply with the orders of the police or local authorities. Any wilful disobedience of such orders is liable to a punishment which will be decided according to the judgment of the Court.

§ 8. Every person is entitled to publish his ideas through the press, under responsibility to the Tribunals. The present regulation will only come in force contemporarily with the emanation of a law on the subject of the public press, a draft of which we will lay before the next Assembly of the Land States. Until then the present law remains in force.

§ 9. The public are entitled to form societies, with a lawful object in view, without previous permission. The Government have a right, until further, to forbid public societies, but in such case they are bound immediately to bring the question before the Tribunals for decision.

§ 10. Any person imprisoned shall, within twenty-four hours, be brought before a Magistrate.

§ 11. The enjoyment of civic, as well as of political and municipal rights, is not to be depended upon or limited by profession of faith. With regard to political and municipal obligations no profession of faith can be a reason for exemption from their fulfilment.

§ 12. The Assembly of the Land States forms the lawful organ of the different classes of our Duchy of Holstein, and is composed of:—

1. The person who, for the time being, is owner of the entailed estates of the Prince of Hessenstein, provided he has arrived at the age of twenty-five, and is in legal possession. He is at liberty to cause himself to be represented by a person qualified for election and owner of an estate, who is not already a member of the Assembly of the Land States.

2. Five deputies chosen from the Clergy of the Duchy of Holstein, elected by their own body in five clerical election districts.

3. Four deputies elected by the "Verbitteren" of the Convent of Itzehoe,

the Deans of the Convents of Preetz and of Utersen, and the members of the order of Knighthood of Holstein from among themselves (place of election Kiel).

4. Nine deputies elected by and among the possessors of noble and other large estates valued for taxation at 50,000 reals at least (place of election Kiel).

5. Sixteen minor landed proprietors, elected in sixteen districts. (Annex A to the Ordinance of 15th May, 1834.)

6. Fifteen inhabitants of towns and villages elected in twelve districts. (Annex B to the Ordinance of 15th May, 1834.)

Finally, we will permit the Academical Consistorium of the University of Kiel, under the superintendence of the Rector of the said University, to elect one member from its own body.

§ 13. The Assembly of Land States to meet when summoned. In the regular course this will take place every second year, so that there will be three meetings in each election period, provided we do not find it necessary, before the expiration of that period, to dissolve the Assembly and order new elections under extraordinary circumstances, as often as we, according to events, deem it requisite. Each time we reserve to ourselves the right to decide whether, in the latter case, the next summons shall take place after the expiration of two years, or before. We can prorogue the Assembly for a certain time, though not beyond four months without its sanction.

If the Diet be dissolved, new elections shall take place immediately, and the new Assembly shall be summoned to meet, at the latest, within four months of the close of the elections.

We reserve to ourselves the right to decide the duration of the meetings of the Assembly.

§ 14. With respect to the special affairs of the Duchy of Holstein, new laws shall not be issued, and existing laws shall not be changed or abolished without the previous sanction of the Assembly of the Land States, and in any such laws the sanction of the Assembly shall be distinctly referred to.

But this decision shall not be applicable to the Federal Resolutions published in the Duchy of Holstein, in accordance with the Constitution of the Confederation.

§ 15. In certain cases, when the States are not assembled, the King may issue preliminary laws, which must, however, not be in opposition to the Constitution, and shall always be laid before the next Assembly for approval.

§ 16. The special revenues of the Duchy of Holstein are those derived from its own sources of income, or collected with reference to special expenses. Special expenses of the Duchy of Holstein are those which concern its separate affairs, as also the contribution due from the Duchy to the common expenses of the Monarchy.

§ 17. A normal Budget, containing the ordinary special revenues and expenses of the Duchy of Holstein, will be fixed by law. This budget can only be changed by law for each biennial financial period; the extraordinary revenues and expenses will be voted by a special additional law.

No expenditure, with the exception of the contribution due from the Duchy of Holstein, on account of the common expenses of the Monarchy (§ 16) and the disbursements to the German Confederation (§ 1), must be incurred, which is not sanctioned in the said Budget, or by a separate law. But the King can, under extraordinary circumstances, sanction expenses which have not been voted. Such a resolution must always be taken by the King in Privy Council, and must be countersigned by the Minister for the Duchy of Holstein and Lauenburg who, by such act, becomes responsible.

The public State account, concerning the special revenues and expenses of the Duchy of Holstein for each financial period, has to be approved by law. The King regulates the Budget until it is finally established by law. But the total amount of expenses for each Head Department must not exceed the average amount of that sum which has been granted for the same purpose in the Budgets for the financial period from 1st of April, 1856, to 31st of March, 1860.

§ 18. With regard to the non-political institutions and establishments common for our Duchies of Schleswig and Holstein, which are to be administered, in union, by our Ministers for the Duchy of Schleswig and for the Duchies of Holstein and Lauenburg, changes in the code of laws can only take place after a

previous deliberation of the Assembly of our Land States of the Duchy of Holstein, except with reference to Eider Canal dues. If these changes should increase the expenses hitherto allowed by law, then the Assembly will have to decide as to the manner of payment of that portion of such expenses which is to fall on our Duchy of Holstein,—our Royal sanction thereto being reserved.

§ 19. The meetings of the Land States are public, except at the period of voting on matters which have been discussed, and when the deliberations of the Assembly are to be discussed. When required by our Commissary, when ordered by the President, or when demanded, in writing, by at least ten deputies, strangers must temporarily withdraw; but it depends upon the resolution of the Assembly whether the meeting shall continue to be secret or again become public.

The Resolutions of the Assembly shall be decided by plurality of votes. If the votes be equal in number, the President of the Assembly will decide the matter by his vote.

§ 20. The Assembly of the Land States is entitled to apply to us with respect to changes in the code of laws, relating to matters within their sphere of action.

§ 21. The Assembly of the Land States shall likewise be entitled to forward and support proposals, petitions, and complaints, respecting such administrative arrangements in our Duchy of Holstein as concern its special affairs. With regard to such petitions, as well as those mentioned in the foregoing paragraph, we shall communicate our resolution to the Assembly of the Land States, provided it be still assembled; if not, to the next ordinary or extraordinary meeting of the Land States.

§ 22. During the Assembly of the Representatives no member can be arrested for debt without the consent of the Diet, nor can he be imprisoned, or be accused, if not taken in the act of misdeed. No member can be made responsible for expressions used by him in the Assembly without its consent.

§ 23. For participation in the elections of Deputies to the Assembly of the Land States is required—

1. The right of a native, or ten years' residence in our Duchy of Holstein.

2. To have completed one's twenty-fifth year at the time of the election.

3. Unspotted reputation. Whoever has lost his honour, his office, or his rights as a citizen, in a legal proceeding, or who has been condemned to forced labour, or who has been tried for a crime, and not been entirely cleared, is excluded from the rights of election.

4. Right of managing one's own property. Whosoever has been legally declared incapable of managing his own property, or who, of his own free will, has given up the management of it; whoever has, in the two years preceding the election, been in private service, without a home of his own; whoever has received aid from the poor-box, and has not repaid it,—is excluded from participation in the elections.

5. Uninterrupted residence during the last year, previous to the election, within our Duchy of Holstein. This rule does not apply to those who, in the fulfilment of their military or naval duties, have resided out of the Duchy of Holstein. Journeys on business or pleasure are not considered as interruptions of this residence.

6. For the great landed proprietors, besides the foregoing qualifications stated in Nos. 1 to 5, actual ownership of or entailed possession of a noble estate, or of a farm, at the time of election, taxed, at least, to the value of 50,000 rix-dollars.

7. For the inhabitants of the provincial town, electoral districts of the Duchy of Holstein, consisting of towns, boroughs, and the tracts altotted to them, besides the conditions contained in Nos. 1 to 5, the freehold possession of a piece of land, insured for, at least, 800 rix-dollars in the Fire Insurance Office, or taxed in house tax to that amount, within the electoral district at the time of the election.

8. For the inhabitants of the rural elective districts, besides the requirements mentioned Nos. 1 to 5, the possession, in freehold or hereditary leasehold, of a landed property within the elective district in question which, for payment of assessed taxes, has been valued at 800 rix-dollars at lowest.

9. For the members of the Holstein nobility ("Ritterschaft"), clergy, and of the University of Kiel, the requirements mentioned, Nos. 1 to 5, are necessary.

§ 24. Every one who, in accordance with the above stipulations, has the right of electing is also eligible, but only in that class to which he belongs.

§ 25. Government officials do not require the permission of Government previous to acceptance if chosen; but they must, at their own expense, provide for the administration of their official duties in the manner prescribed by their chiefs.

§ 26. Moreover, with reference to the election of the Deputies for the Assembly of the Land States, as well as with reference to the payment and collection of the costs incurred by the elections and by the Diet, and to the mode of proceeding to be adopted in this Assembly, the regulations of the Decree of the 15th May, 1834, are to serve as a rule, which regulations have been drawn up for that purpose in Annex A, with the modifications which the present Decree renders necessary. But we reserve the right, in the cases in which proposals of laws have been laid before the Assembly for their decision, to communicate them, after they have been formally discussed and voted, in such form as shall be considered fitting, from the result of the formal discussion, and, then, the acceptance or the rejection of the proposal, as a whole, shall be again voted. It lies with the States to decide whether in this extraordinary third discussion the matter is to be first referred to a Committee; nevertheless, only a deliberation can take place.

§ 27. Any modifications of the regulations contained in the present Decree and its Annexes shall be discussed as other changes in the legislation of the special affairs of the Duchy of Holstein; but shall not be introduced by a temporary arrangement.

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*Minutes to the Draft of a Law concerning the Constitution of the Duchy of Holstein.*

The present draft agrees in its general points with the draft of a Constitutional Law for the Duchy of Holstein laid before the States during their last session. This is the case, especially with §§ 2 to 5 inclusive, 12, 14, 15, 18 to 21 inclusive, 23, 26, and 27, in which only such changes of wording has taken place as is rendered necessary by the alteration of the name "Land States," which, in accordance with the repeated wish of the Assembly, has been granted by His Majesty.

In general, also, reference has been had to the Minutes accompanying that former draft.

The changes proposed in §§ 8, 11, and 22 of the former project, and contained in §§ 6, 13, and 25 of the present, are based on the petitions of the Assembly.

The newly added decisions contained in §§ 8, 10, and 22, as far as under present circumstances is practicable, are conceived in accordance with the proposals of the States, namely, with the corresponding paragraphs of the "Project for a common Constitution for the Danish Monarchy," worked out by the Assembly in their last session.

In particular, the following is to be remarked:

The §§ 1 and 2 of the last Project, in as far as they regard the law of succession to the Throne, and the relations with the German Diet, have not been again inserted. These regulations, as has been remarked in the Minutes to that project, were only laid before the States with reference to the question whether they should have a place in the Constitution of the Duchy of Holstein, as the regulations in themselves were entirely independent of the decisions of the Assembly. If the Assembly, however, has expressed in its Protocol of the 11th March, 1859, that, from the insertion, in the Constitution, of the passage relating to the succession, it did not follow that there was a subsequent agreement to it, on the part of the Assembly, no importance can be attached to such a reservation; at the same time sufficient reason has been found in this for removing the regulation in question out of the project, and it has also seemed right, from the remarks made by the Diet, *loco cit.*, about § 2 of the former project touching the relation to the German Diet, not to insert the regulations contained in this paragraph.

But the first passage of the former § 1, in which the Duchy of Holstein was declared an independent part of the Monarchy, has, in accordance with the

wishes of the Assembly, been retained and again inserted in § 1 of the present project.

To meet as far as possible the wish, so repeatedly expressed on the part of the Diet, with reference to the substance of § 7 of the former project, in § 7 of the present the clause is left out that the Courts of Law have no jurisdiction over the acts of administration of public authorities; whereas in future the Courts of Law will, as a general rule, be authorized to determine as to the competency of such authorities. But for the settlement of disputes about competency, it has been thought necessary to retain the regulations of the former project.

The new substance of § 11 aims at the civil equality of the subject, without reference to his religious persuasion. Such a regulation is in accordance with the more and more universally received doctrine of toleration, and is found in the Constitutions of several German States, and does not, therefore, require further explanation.

From this point of view it would also seem desirable that in this direction still further steps should be taken to carry out, in the Duchy of Holstein, the principle of unlimited freedom in the exercise of religion.

With reference to the opposition which this step may encounter, it has, however, been deemed advisable not to insist on insertion in the draft of a regulation with such an object in view, but rather wait to ascertain whether, and how far, an opinion is expressed in the Assembly for a further development of religious freedom.

The insertion of the above-mentioned regulation has made it requisite not to insert any more in § 24 (previously § 21) about the Christian religion as a condition of eligibility. The paragraphs 16 and 17 have been obliged to be altered in their wording, owing to the proposal for a Provisorium which has been laid before the States. The addition to the closing portion of § 17 answers to the proposals made on the subject to the States.

The final paragraph of the draft corresponds with § 24 of the previous draft. As there is at present no occasion to render more difficult possible modifications of the Constitution, the regulations, as contained in this, appear to merit being preferred to those contained in the draft of a Constitution proposed by the Diet.

Furthermore, it is to be remarked that in the Annexes of the Constitution of the 11th June, 1854, besides the modifications introduced in the Minutes to the former draft, page 8, the modifications indicated in the proposal of the Assembly of the States of the 11th March, 1859, at the close of its draft of a Constitution, will have to be made.

# MAPS

REFERRED TO AT PAGES 63 AND 64

OF THE

# "CORRESPONDENCE

RESPECTING THE

# AFFAIRS OF THE DUCHIES

OF

# SCHLESWIG AND HOLSTEIN,"

Presented to Parliament, May 17, 1861.

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*Presented to both Houses of Parliament by Command of Her Majesty.*
1861.

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LONDON:
PRINTED BY HARRISON AND SONS.

N° 1.

# CHART SHEWING THE LANGUAGES SPOKEN IN SCHLESWIG

## ACCORDING TO DANISH AUTHORITIES.

## N° II.

## CHART SHEWING THE LANGUAGES USED IN CHURCH & SCHOOL IN SCHLESWIG.

ACCORDING TO EXISTING ARRANGEMENTS.

Harrisons Lith. St. Martins Lane

- Danish in Church and School
- Alternately Danish and German in Church, Danish in School
- German in Church and School
- Dutch in Church

## Nº III.

CHART SHEWING THE LANGUAGES SPOKEN BY THE PEOPLE & USED IN THE CHURCHES IN SCHLESWIG IN 1838.
(ACCORDING TO A GERMAN AUTHORITY.)

- *Danish.*
- *Danish and Frisian.*
- *Danish Frisian and German.*
- *More Danish than German.*
- *German and Danish equally divided.*
- *More German than Danish.*
- *German.*
- *Frisian.*
- *Frisian and German.*
- *Limit of the Danish Language in Church*

## Nº IV.

### CHART SHEWING THE DIFFERENT NATIONALITIES & LANGUAGES EXISTING IN SCHLESWIG.

(ACCORDING TO A GERMAN AUTHORITY)

**Languages in Church & School**

- German
- Danish (formerly Danish & German)
- Alternately Danish and German
- Dutch

**Languages of the People**

- German, low german
- More German than Danish
- German & Danish equally divided
- More Danish than German
- Danish
- Frisian
- Frisian & German
- Frisian & Danish
- German, Danish & Frisian

# FIRST SUPPLEMENTARY CONVENTION

TO THE

# TREATY OF COMMERCE

OF

## JANUARY 23, 1860,

BETWEEN

# HER MAJESTY

AND THE

# EMPEROR OF THE FRENCH.

*Signed at Paris, October* 12, 1860.

## WITH A TARIFF THERETO ANNEXED.

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*Presented to both Houses of Parliament by Command of Her Majesty.*
1861.

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LONDON:
PRINTED BY HARRISON AND SONS.

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# Convention between Her Majesty and the Emperor of the French, supplementary to the Treaty of Commerce of January 23, 1860, with a Tariff annexed thereto.

*Signed at Paris, October* 12, 1860.

[*Ratifications exchanged at Paris, October* 25, 1860.]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of the French, desiring to ensure the execution of the Treaty of Commerce concluded between them on the 23rd of January, 1860, within the limits and in the manner contemplated by the Second Additional Article to that Treaty, have resolved to negotiate a first complementary arrangement in order to determine the specific or *ad valorem* duties which shall be imposed upon the goods of British origin and manufacture enumerated in the said Treaty, when imported into France; and they have for that purpose named as their Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Henry Richard Charles, Earl Cowley, Viscount Dangan, Baron Cowley, a Peer of the United Kingdom, a Member of Her Britannic Majesty's Most Honourable Privy Council, Knight Grand Cross of the Most Honourable Order of the Bath, Her said Majesty's Ambassador Extraordinary and Plenipotentiary to His Majesty the Emperor of the French; and Richard Cobden, Esquire, a Member of the British Parliament;

And His Majesty the Emperor of the French, M. Thouvenel, a Senator of the Empire, Grand Cross of His Imperial Majesty's Order of the Legion of Honour, &c., &c., &c., His Imperial Majesty's Minister and Secretary of State for Foreign Affairs; and M. Rouher, a Senator of the Empire, Grand Cross of His Imperial Majesty's Order of the Legion of Honour, &c., &c., &c., His Imperial Majesty's Minister and Secretary of State for Agriculture, Commerce, and Public Works;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles:—

SA Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté l'Empereur des Français, désirant assurer l'exécution du Traité de Commerce conclu entre elles le 23 Janvier, 1860, dans les limites et de la manière prévues par le deuxième Article Additionnel à ce même Traité, ont résolu de négocier un premier arrangement complémentaire pour déterminer les droits spécifiques ou à la valeur qui devront grever, à leur importation en France, les marchandises d'origine ou de manufacture Britanniques énumérées dans le dit Traité, et ont, à cet effet, nommé pour leurs Plénipotentiaires, savoir:

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, le Très Honorable Henry Richard Charles, Comte Cowley, Vicomte Dangan, Baron Cowley, Pair du Royaume Uni, Membre du Très Honorable Conseil Privé de Sa Majesté Britannique, Chevalier Grand-Croix du Très Honorable Ordre du Bain, Ambassadeur Extraordinaire et Plénipotentiaire de Sa dite Majesté près Sa Majesté l'Empereur des Français; et M. Richard Cobden, Ecuyer, Membre du Parlement Britannique;

Et Sa Majesté l'Empereur des Français, M. Thouvenel, Sénateur de l'Empire, Grand-Croix de Son Ordre Impérial de la Légion d'Honneur, &c., &c., &c., Son Ministre Secrétaire d'Etat au Département des Affaires Etrangères; et M. Rouher, Sénateur de l'Empire, Grand-Croix de l'Ordre Impérial de la Légion d'Honneur, &c., &c., &c., Son Ministre Secrétaire d'Etat au Département de l'Agriculture, du Commerce, et des Travaux Publics;

Lesquels, après s'être communiqué leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivants:—

ARTICLE I.

The articles of British origin or manufacture enumerated in the Tariff annexed to the present Convention, shall, when imported direct from the United Kingdom, under the French or the British flag, be admitted into France at the duties specified by the said Tariff.

ARTICLE II.

In order to establish the fact that the goods are of British origin or manufacture, the importer must present at the French Custom-house either an official declaration made before a British magistrate exercising jurisdiction at the place of dispatch, or a certificate granted by the chief officer of the Customs at the port of embarkation, or a certificate granted by the Consuls or Consular Agents of France at the places of dispatch or at the ports of embarkation. The above-mentioned Consuls or Consular Agents of France shall legalize the signatures of the British authorities.

ARTICLE III.

The importer of machines and mechanical instruments, complete or in detached pieces, of British origin or manufacture, shall be exempt from the obligation of producing at the French Customs any model or drawing of the imported article.

ARTICLE IV.

The importer of any goods of British origin or manufacture taxed *ad valorem*, must attach to the declaration verifying the value of that article, and to the certificate of origin, an invoice emanating from the manufacturer or from the seller, which shall show the real price, and shall be *visé* by a Consul or Consular Agent of France in the United Kingdom.

ARTICLE V.

When articles upon which an *ad valorem* duty is levied have been previously warehoused, the duty shall be levied according to the value of those articles at the time of their actual entry into France.

ARTICLE VI.

The importer against whom the French Customs may desire to exercise the right of

ARTICLE I.

Les objets d'origine ou de manufacture Britannique énumérés dans le Tarif joint à la présente Convention, et importés directement du Royaume Uni, sous pavillon Français ou Britannique, seront admis en France aux droits fixés par le dit Tarif.

ARTICLE II.

Pour établir que les produits sont d'origine ou de manufacture Britannique, l'importateur devra présenter à la Douane Française, soit une déclaration officielle faite devant un magistrat Britannique siégeant au lieu d'expédition, soit un certificat délivré par le chef du service des Douanes du port d'embarquement, soit un certificat délivré par les Consuls ou Agents Consulaires de France dans les lieux d'expédition ou dans les ports d'embarquement. Les Consuls ou Agents Consulaires de France sus-désignés légaliseront les signatures des autorités Britanniques.

ARTICLE III.

L'importateur de machines et mécaniques, entières ou en pièces détachées, d'origine ou de manufacture Britannique, sera dispensé de l'obligation de produire à la Douane Française tout modèle ou dessin de l'objet importé.

ARTICLE IV.

L'importateur d'une marchandise d'origine ou de manufacture Britannique taxée à la valeur devra joindre à la déclaration constatant la valeur de cette marchandise et au certificat d'origine, une facture indiquant le prix réel, émanant du fabricant ou du vendeur, qui sera visée par un Consul ou un Agent Consulaire de France dans le Royaume Uni.

ARTICLE V.

Si les articles taxés à la valeur ont été préalablement mis en entrepôt, les droits seront perçus d'après la valeur de ces articles au moment de leur admission effective en France.

ARTICLE VI.

L'importateur contre lequel la Douane Française voudra exercer le droit de pré-

pre-emption stipulated in the Treaty of the 23rd of January, 1860, may, if he prefers to do so, demand a valuation of his goods by Experts.

The same demand may be made by the French Customs when they may not think fit to have immediate recourse to pre-emption.

ARTICLE VII.

If the result of such valuation by Experts should prove that the goods have not a value of five per cent. above that which has been declared by the importer, the duty shall be levied upon the amount of the declaration.

If the proved value is five per cent. above the value declared, the French Customs shall be entitled, at their choice, either to exercise the right of pre-emption, or to levy the duty on the value determined by the Experts.

This duty shall be increased by fifty per cent., as a fine, if the valuation of the Experts is ten per cent. above the declared value.

If the value, as determined by the arbitration, exceeds the declared value by five per cent., the costs of the inquiry by the Experts shall be defrayed by the declarant. In the contrary case, they shall be defrayed by the French Custom-house.

ARTICLE VIII.

In the cases contemplated by Article VI the two arbitrating Experts shall be named, one by the declarant, the other by the local Chief of the French Customs Service. If there be difference of opinion between them, or if at the time of appointing the Experts the declarant shall require it, the Experts shall choose an Umpire. In default of agreement, this Umpire shall be appointed by the President of the Tribunal of Commerce at the port of importation, or, in his default, by the President of the Tribunal of Commerce at the nearest place.

The decision of the Arbitrators shall be given within the fifteen days which follow their nomination.

ARTICLE IX.

Independently of the duties of Customs, articles of goldsmith's work and of jewellery of British manufacture in gold, silver, platina, or other metals, imported into France, shall be subject to the system of control established in that country for similar articles of domestic manufacture, and shall pay, if it becomes necessary, on the same basis as those, the duties of marking and guarantee.

emption stipulé par le Traité du 23 Janvier, 1860, pourra, s'il le préfère, demander l'estimation de sa marchandise par des Experts.

La même faculté appartiendra à la Douane Française lorsqu'elle ne jugera pas convenable de recourir immédiatement à la préemption.

ARTICLE VII.

Si l'expertise constate que la marchandise n'a pas une valeur de cinq pour cent supérieure à celle déclarée par l'importateur, le droit sera perçu sur le montant de la déclaration.

Si la valeur constatée est de cinq pour cent supérieure à celle déclarée, la Douane Française pourra à son choix exercer la préemption, ou percevoir le droit sur la valeur déterminée par les Experts.

Ce droit sera augmenté de cinquante pour cent à titre d'amende, si l'évaluation des Experts est de dix pour cent supérieure à la valeur déclarée.

Si la valeur déterminée par la décision arbitrale excède la valeur déclarée de cinq pour cent, les frais de l'expertise seront supportés par le déclarant. Dans le cas contraire ils seront supportés par la Douane Française.

ARTICLE VIII.

Dans les cas prévus par l'Article VI, les deux arbitres Experts seront nommés, l'un par le déclarant, l'autre par le Chef local du Service des Douanes Françaises. En cas de partage, ou même au moment de la constitution de l'arbitrage, si le déclarant le requiert, les Experts choisiront un tiers arbitre. S'il y a désaccord, celui-ci sera nommé par le Président du Tribunal de Commerce du port d'introduction, à défaut par le Président du Tribunal de Commerce du lieu le plus voisin.

La décision arbitrale devra être rendue dans les quinze jours qui suivront la constitution de l'arbitrage.

ARTICLE IX.

Indépendamment des taxes de Douane, les articles d'orfèvrerie et de bijouterie en or, argent, platine, ou autres métaux de manufacture Britannique importés en France, seront soumis au régime de contrôle établi dans ce pays pour les articles similaires de fabrication nationale, et payeront, s'il y a lieu, sur la même base que ceux-ci, les droits de marque et de garantie.

ARTICLE X.

The Tariff annexed to the present Convention shall, independently of the articles already admissible under the Treaty of the 23rd of January last, be immediately applicable to refined sugars, to works in metal, to machines, to detached pieces of machines, to tools, and to mechanical instruments of every description.

ARTICLE X.

Le Tarif annexé à la présente Convention sera immédiatement applicable, indépendamment des articles déjà admissibles en vertu du Traité du 23 Janvier dernier, aux sucres raffinés, aux ouvrages en métaux, machines, pièces détachées de machines, outils, et mécaniques de toute espèce.

ARTICLE XI.

The present Convention shall have the same duration as the Treaty concluded between the High Contracting Parties on the 23rd of January last, of which it is a complement.

ARTICLE XI.

La présente Convention aura la même durée que le Traité conclu entre les Hautes Parties Contractantes le 23 Janvier dernier, dont elle est l'un des compléments.

ARTICLE XII.

The present Convention shall be ratified, and the ratifications shall be exchanged at Paris within fifteen days, or sooner if possible.

In witness whereof, the respective Plenipotentiaries have signed it, and have affixed thereto the seal of their arms.

Done, in duplicate, at Paris, the twelfth day of October, one thousand eight hundred and sixty.

ARTICLE XII.

La présente Convention sera ratifiée, et les ratifications en seront échangées à Paris dans le délai de quinze jours, ou plus tôt si faire se peut.

En foi de quoi, les Plénipotentiaires respectifs l'ont signé, et y ont apposé le cachet de leurs armes.

Fait, en double, à Paris, le douzième jour du mois d'Octobre, mil huit cent soixante.

(L.S.) COWLEY.
(L.S.) RICH$^{D.}$ COBDEN.
(L.S.) E. THOUVENEL.
(L.S.) F. ROUHER.

# TARIFF

ANNEXED TO THE

# CONVENTION

concluded on the 12th October, 1860,

BETWEEN

# GREAT BRITAIN

AND

# FRANCE.

# TARIF

ANNEXÉ A LA

# CONVENTION

conclue le 12 Octobre, 1860,

ENTRE LA

# GRANDE BRETAGNE

ET LA

# FRANCE.

| Description of Articles. | Rates of Import Duties. 1860. Fr. c. | 1864. Fr. c. |
|---|---|---|
| **METALS.** | | |
| IRON :— | | |
| Ore of | Free | Free |
| Filings, slag and dross, from the forge | „ | „ |
| Pig and fragments of old cast iron | 2 50 100 kil. | 2 00 100 kil. |
| Purified cast, called "mazée," and old broken wrought iron | 3 25 „ | 2 75 „ |
| Crude, in lumps or prisms, not freed from the dross | 5 00 „ | 4 50 „ |
| Bars, square, round, or flat; rails of all shapes and dimensions; angle and T iron; and wire, with the exceptions hereinafter mentioned | 7 00 „ | 6 00 „ |
| Hoops, of the thickness of 1 millimètre or less | | |
| Sheet, rolled or hammered, exceeding 1 millimètre in thickness | | |
| In plates weighing 200 kilos. or less, and of which the breadth does not exceed 1 mètre 20 centimètres, nor the length 4 mètres 50 centimètres | 8 50 „ | 7 50 „ |
| In plates exceeding 200 kilogrammes in weight or 1 mètre 20 centimètres in breadth, or 4 mètres 50 centimètres in length | 9 50 „ | 7 50 „ |
| Sheet, thin, and black iron, in plates of 1½ millimètre or less in thickness | 13 00 „ | 10 00 „ |
| (N.B. Thin sheet and black iron in flat plates, cut out or trimmed in any way, to pay one-tenth more than rectangular plates.) | | |
| Sheets, tinned, coppered, covered with zinc or lead | 16 00 „ | 13 00 „ |
| Wire, not exceeding $\frac{5}{10}$th millimètres in diameter, whether tinned, coppered, or covered with zinc | 14 00 „ | 10 00 „ |
| STEEL :— | | |
| In bars of all kinds | 15 00 „ | 13 00 „ |
| Sheet, exceeding 2 millimètres in thickness | 22 00 „ | 18 00 „ |
| Sheet, not exceeding 2 millimètres in thickness, and wire, including bright wire for instruments | 30 00 „ | 25 00 „ |
| COPPER :— | | |
| Ore, filings and old broken articles | Free | Free |
| Ditto, and brass smelted, in pigs, bars, or plates | „ | „ |
| Rolled or beaten into bars or sheets | 15 00 100 kil. | 10 00 100 kil. |
| Wire of all sizes, whether polished or not | 15 00 „ | 10 00 „ |
| Gilt or silvered, beaten, drawn, or rolled, and wire laid on thread or silk | 100 00 „ | 100 00 „ |
| ZINC :— | | |
| Ore, crude, calcined, or pounded, filings, and old broken articles | Free | Free |
| In pigs, bars, or plates | 0 10 100 kil. | 0 10 100 kil. |
| Rolled | 6 00 „ | 4 00 „ |
| LEAD :— | | |
| Ore and dross of all sorts, filings and old broken articles | Free | Free |
| In pigs, bars, or plates | 3 00 100 kil. | „ |
| Rolled or sheet, alloyed with antimony, in pig, and type, old | 5 00 „ | 3 00 100 kil. |
| TIN :— | | |
| Ore and metal in pigs, bars, or plates, filings and old broken articles | Free | Free |
| Alloyed with antimony (Britannia metal) in ingots | 5 00 100 kil. | 5 00 100 kil. |
| Pure metal or alloyed, beaten or rolled | 6 00 „ | 6 00 „ |
| BISMUTH :— | | |
| Crude | Free | Free |

| Dénomination des Articles. | Taux des Droits d'Entrée. En 1860. Fr. c. | En 1864. Fr. c. |
|---|---|---|
| **METAUX.** | | |
| **Fer :—** | | |
| Minerai de fer | Exempt | Exempt |
| Mâchefer, limailles et scories de forge | id. | id. |
| Fonte brute en masse, Débris de vieux ouvrages en fonte | 2 50 les 100 kilo. | 2 00 les 100 kilo. |
| Fonte épurée, dite "mazée", Ferrailles et débris de vieux ouvrages en fer | 3 25 id. | 2 75 id. |
| Fer brut en massiaux ou prismes retenant encore des scories | 5 00 id. | 4 50 id. |
| Fers en barres carrées, rondes, ou plates, rails de toute forme et dimensions, fers d'angles et à T, et fils de fer, sauf les exceptions ci-après | 7 00 id. | 6 00 id. |
| Fers feuillards en bandes d'un millimètre d'épaisseur ou moins, Tôles laminées ou martelées de plus d'un millimètre d'épaisseur; en feuilles pesant 200 kilogrammes ou moins, et dont la largeur n'excède pas 1 mètre 20 centimètres, ni la longueur 4 mètres 50 centimetres | 8 50 id. | 7 50 id. |
| Idem en feuilles pesant plus de 200 kilogrammes ou bien ayant plus de 1 mètre 20 centimètres de largeur ou plus de 4 mètres 50 centimètres de longueur | 9 50 id. | 7 50 id. |
| Tôles minces et fers noirs en feuilles d'un millimètre d'épaisseur ou moins | 13 00 id. | 10 00 id. |
| (Les feuilles de tôle ou fers noirs, planes découpées d'une façon quelconque, paieront un dixième en sus des feuilles rectangulaires.) | | |
| Fer étamé (fer blanc), cuivré, zinqué, ou plombé | 16 00 id. | 13 00 id. |
| Fil de fer de cinq-dixièmes de millimètre de diamètre et au dessous, qu'il soit ou non étamé, cuivré, ou zinqué | 14 00 id. | 10 00 id. |
| **Acier :—** | | |
| Acier en barres de toute espèce | 15 00 id. | 13 00 id. |
| Aciers en tôles de plus de 2 millimètres d'épaisseur | 22 00 id. | 18 00 id. |
| Aciers en tôles de 2 millimètres d'épaisseur ou moins, Fil d'acier même blanchi pour cordes d'instruments | 30 00 d. | 25 00 id. |
| **Cuivre :—** | | |
| Minerai | Exempt | Exempt |
| Limailles et débris de vieux ouvrages en cuivre | id. | id. |
| Cuivre pur ou allié de zinc ou d'étain de première fusion en masses, barres, saumons, ou plaques | id. | id. |
| id., id., laminé ou battu en barres ou planches | 15 00 les 100 kilo. | 10 00 les 100 kilo. |
| Cuivre pur ou allié en fils de toute dimension, polis ou non | 15 00 id. | 10 00 id. |
| „ doré ou argenté, battu, tiré, ou laminé, filé sur fil ou sur soie | 100 00 id. | 100 00 id. |
| **Zinc :—** | | |
| Minerai, cru ou grillé, pulvérisé ou non | Exempt | Exempt |
| Limailles et débris de vieux ouvrages | id. | id. |
| En masses brutes, saumons, barres, ou plaques | 0 10 les 100 kilo. | 0 10 les 100 kilo |
| Laminé | 6 00 id. | 4 00 id. |
| **Plomb :—** | | |
| Minerai et scories de toute sorte | Exempt | Exempt |
| Limailles et débris de vieux ouvrages | id. | id. |
| En masses brutes, saumons, barres, ou plaques | 3 00 les 100 kilo. | id. |
| Laminé | 5 00 id. | 3 00 les 100 kilo. |
| Allié d'antimoine en masse | 5 00 id. | 3 00 id. |
| Vieux caractères d'imprimerie | 5 00 id. | 3 00 id. |
| **Etain :—** | | |
| Minerai | Exempt | Exempt |
| En masses brutes, saumons, barres, ou plaques | id. | id. |
| Limailles et débris | id. | id. |
| Allié d'antimoine (métal Britannique) en lingots | 5 00 les 100 kilo. | 5 00 les 100 kilo. |
| Pur ou allié, battu, ou laminé | 6 00 id. | 6 00 id. |
| **Bismuth :—** | | |
| Brut | Exempt | Exempt |

| Description of Articles. | Rates of Import Duties. 1860. | 1864. |
|---|---|---|
| | Fr. c. | Fr. c. |
| ANTIMONY :— | | |
| Ore and sulphurated .. .. .. .. | Free | Free |
| Metal or regulus .. .. .. .. .. | 8 00 100 kil. | 6 00 100 kil. |
| NICKEL :— | | |
| Ore and speiss .. .. .. .. .. | Free | Free |
| Pure, and alloyed with other metals, especially copper or zinc (argentine or German silver), in ingots or pigs .. | 15 00 " 100 kil. | 10 00 " 100 kil. |
| Ditto, ditto, rolled or drawn .. .. .. .. | | |
| MANGANESE :— | | |
| Ore .. .. .. .. .. | | |
| ARSENIC :— | Free | Free |
| Metallic .. .. .. .. .. | | |
| ORES :— | | |
| Not enumerated .. .. .. .. | | |
| **METAL MANUFACTURES.** | | |
| CAST IRON :— | | |
| Not turned nor polished :— | | |
| 1st Class. Chairs for railways, plates and other castings from the open mould .. .. .. .. | 3 50 100 kil. | 3 00 100 kil. |
| 2nd Class. Cylindrical pipes (straight), rafters, solid columns, and gas retorts .. .. .. | 4 25 " | 3 75 " |
| 3rd Class. Pots and all other manufactures not included in the preceding classes .. .. .. .. | 5 00 " | 4 50 " |
| Polished or turned .. .. .. .. .. | 9 00 " | 6 00 " |
| Tinned, enamelled, or varnished .. .. .. | 12 00 " | 10 00 " |
| WROUGHT IRON :— | | |
| Ironwares (heavy), including framework; pieces of frames .. .. .. .. .. | | |
| Knees and girders for ships .. .. .. | | |
| Ironwork for carts and waggons .. .. | | |
| Hinges; clamps; large bolts; braces, and other fastenings of doors and windows, not polished nor turned | 9 00 " | 8 00 " |
| Gratings (solid); beds; seats and furniture for gardens and other kinds, with or without ornaments or adjuncts in cast iron, steel, or copper .. .. | | |
| N.B.—Axles, springs, and tires for wheels, are not included in the above category, but are classed among detached pieces of machinery. | | |
| Small ironwares ("serrurerie") including: locks and padlocks of all sorts, bolts and hinges, in sheet iron, latches, and flat bolts, and all other articles in wrought or sheet iron for fastenings of doors or windows, and furniture, polished, filed, or turned .. .. .. .. | 15 00 " | 12 00 " |
| Nails, forged by machinery .. .. .. .. | 10 00 " | 8 00 " |
| Ditto, ditto, by hand .. .. .. .. | 15 00 " | 12 00 " |
| Wood screws, screw-bolts, and nuts .. .. .. | 10 00 " | 8 00 " |
| Anchors .. .. .. .. .. | 10 00 " | 8 00 " |
| Chains, and chain-cables .. .. .. | | |
| Tools, in pure iron, with or without handles .. .. | 12 00 " | 10 00 " |
| Tubes of wrought-iron, simply welded, of 9 millimètres interior diameter or more .. .. .. | 13 00 " | 11 00 " |
| Ditto, ditto, less than 9 millimètres, and fittings of tubes | 25 00 " | 20 00 " |
| Tubes in wrought-iron, welded on a mandril, or lap-welded | 25 00 " | 20 00 " |
| Fish-hooks, (for sea fishing) tinned or not .. .. .. | 50 00 " | 50 00 " |
| Household articles and other wares unenumerated :— | | |
| In wrought or sheet-iron, polished or painted .. | 17 00 " | 14 00 " |
| Ditto, ditto, enamelled, varnished, or tinned .. .. | 20 00 " | 16 00 " |
| STEEL WARES :— | | |
| Tools in pure steel; files; saws, circular or straight; scythes, sickles, and other unenumerated .. | 40 00 " | 32 00 " |
| Needles for sewing, less than 5 centimètres in length .. | 200 00 " | 200 00 " |
| Ditto, of 5 and more centimètres in length .. .. | 100 00 " | 100 00 " |
| Fish-hooks (for river fishing), blued or not .. .. | 100 00 " | 100 00 |
| Metallic pens (other than gold or silver) .. .. | 100 00 " | 100 00 |

| Dénomination des Articles. | Taux des Droits d'Entrée. En 1860. | | | En 1864. | | |
|---|---|---|---|---|---|---|
| | Fr. | c. | | Fr. | c. | |
| ANTIMOINE :— | | | | | | |
| Minerai | | Exempt | | | Exempt | |
| Sulfuré fondu | | id. | | | id. | |
| Métallique ou regule | 8 | 00 | les 100 kilo. | 6 | 00 | les 100 kilo. |
| NICKEL :— | | | | | | |
| Minerai de nickel et speiss | | Exempt | | | Exempt | |
| Pur ou allié d'autres métaux, notamment de cuivre ou de zinc (argentan), en lingots ou masses brutes | | id. | | | id. | |
| id., id., id., laminé ou étiré | 15 | 00 | les 100 kilo. | 10 | 00 | les 100 kilo. |
| MANGANESE :— | | | | | | |
| Minerai | | | | | | |
| ARSENIC :— | | Exempts | | | Exempts | |
| Arsenic métallique | | | | | | |
| MINERAIS, non dénommés | | | | | | |
| OUVRAGES EN METAUX. | | | | | | |
| FONTE :— | | | | | | |
| Ouvrages en fonte moulée, non tournés ni polis :— | | | | | | |
| 1re Classe. Coussinets de chemins de fer, plaques ou autres pièces coulées à découvert | 3 | 50 | les 100 kilo. | 3 | 00 | les 100 kilo. |
| 2e Classe. Tuyaux cylindriques, droits, poutrelles et colonnes pleines, cornues pour la fabrication du gaz | 4 | 25 | id. | 3 | 75 | id. |
| 3e Classe. Poteries et tous autres ouvrages non désignés dans les deux classes précédentes | 5 | 00 | id. | 4 | 50 | id. |
| Ouvrages en fonte, polis ou tournés | 9 | 00 | id. | 6 | 00 | id. |
| id., étamé, émaillés, ou vernissés | 12 | 00 | id. | 10 | 00 | id. |
| FER :— | | | | | | |
| Ferronnerie comprenant :— | | | | | | |
| Pièces de charpente | | | | | | |
| Courbes et solives pour navires | | | | | | |
| Ferrures de charrettes et wagons | | | | | | |
| Gonds, pentures, gros verroux, équerres et autres gros ferrements de portes ou croisées non tournés ni polis | 9 | 00 | id. | 8 | 00 | id. |
| Grilles en fer plein, lits, siéges et meubles de jardin ou autres, avec ou sans ornements accessoires en fonte, cuivre ou acier | | | | | | |
| N.B.—Les essieux, ressorts, et bandages de roues ne sont pas compris dans cette nomenclature, et figurent parmi les pièces détachées de machines. | | | | | | |
| Serrurerie, comprenant : Serrures et cadenas en fer de toute sorte, fiches et charnières en tôle, loquets, targettes, et tous autres objets en fer ou tôle, tournés, polis, ou limés pour ferrures de meubles, portes, et croisées | 15 | 00 | id. | 12 | 00 | id. |
| Clous forgés à la mécanique | 10 | 00 | id. | 8 | 00 | id. |
| id., id., à la main | 15 | 00 | id. | 12 | 00 | id. |
| Vis, à bois, boulons et écrous | 10 | 00 | id. | 8 | 00 | id. |
| Ancres | 10 | 00 | id. | 8 | 00 | id. |
| Câbles et chaînes en fer | | | | | | |
| Outils en fer pur, emmanchés ou non | 12 | 00 | id. | 10 | 00 | id. |
| Tubes en fer étirés, soudés par simple rapprochement, de 9 millimètres de diamètre intérieur ou plus | 13 | 00 | id. | 11 | 00 | id. |
| „ de moins de 9 millimètres, raccords de toute espèce | 25 | 00 | id. | 20 | 00 | id. |
| Tubes en fer étirés, soudés sur mandrin et à recouvrement | 25 | 00 | id. | 20 | 00 | id. |
| Hameçons de mer en fer, étamés ou non | 50 | 00 | id. | 50 | 00 | id. |
| Articles de ménage et autres ouvrages non-dénommés :— | | | | | | |
| En fer ou en tôle, polis ou peints | 17 | 00 | id. | 14 | 00 | id. |
| id., id., émaillés, étamés, ou vernissés | 20 | 00 | id. | 16 | 00 | id. |
| ACIER :— | | | | | | |
| Outils en acier pur (limes, scies circulaires ou droites, faux, faucilles, et autres non dénommés) | 40 | 00 | id. | 32 | 00 | id. |
| Aiguilles à coudre, de moins de 5 centimètres | 200 | 00 | id. | 200 | 00 | id. |
| Ditto, de 5 centimètres ou plus | 100 | 00 | id. | 100 | 00 | id. |
| Hameçons de rivière en acier, bleui ou non | 100 | 00 | id. | 100 | 00 | id. |
| Plumes métalliques en métal autre que l'or et l'argent | 100 | 00 | id. | 100 | 00 | id. |

| Description of Articles. | Rates of Import Duties. 1860. | | | 1864. | | |
|---|---|---|---|---|---|---|
| | Fr. | c. | | Fr. | c. | |
| Small articles of ornament, such as beads, purse garniture, brooches, and thimbles | 25 | 00 | 100 kil. | 20 | 00 | 100 kil. |
| Household articles and other wares unenumerated | 40 | 00 | „ | 32 | 00 | „ |
| CUTLERY:— | | | | | | |
| Of every description | 20 per cent. *ad valorem*, reduced to 15 per cent. *ad valorem* on the 1st January, 1866. | | | | | |
| Instruments, surgical, optical, and philosophical | 10 per cent. *ad valorem*. | | | 10 per cent. *ad valorem*. | | |
| ARMS, not being implements of war:— | | | | | | |
| Side arms | 40 | 00 | 100 kil. | 40 | 00 | 100 kil. |
| Fire-arms | 240 | 00 | „ | 240 | 00 | „ |
| **SUNDRY METALS.** | | | | | | |
| Tools of iron tipped with steel, with or without handles | 18 | 00 | „ | 15 | 00 | „ |
| Articles made partly of cast and partly of wrought iron, not polished, if the weight of wrought iron is less than half the total weight | 5 | 00 | „ | 4 | 50 | „ |
| Ditto, if half or more than half the total weight | 10 | 00 | „ | 8 | 00 | „ |
| Ditto, polished enamelled or japanned, and with ornamental adjuncts in iron, copper, brass, or steel | 15 | 00 | „ | 12 | 00 | „ |
| Wire gauze of iron or steel | 15 | 00 | „ | 10 | 00 | „ |
| Cylinders of copper or brass for printing, whether engraved or not | 15 | 00 | „ | 15 | 00 | „ |
| Copper wares, metal gauze of copper or brass, works of art and ornament, and all other manufactured articles of copper, pure or alloyed with zinc or tin | 25 | 00 | „ | 20 | 00 | „ |
| Manufactures of zinc of all kinds | 10 | 00 | „ | 8 | 00 | „ |
| Lead pipes, and all other manufactures of lead | 5 | 00 | „ | 3 | 00 | „ |
| Printing type, new | 10 | 00 | „ | 8 | 00 | „ |
| Tin pots and pans and other manufactures of tin, whether pure or alloyed with antimony | 30 | 00 | „ | 30 | 00 | „ |
| Manufactures of nickel allied with copper or zinc (argentine) | 100 | 00 | „ | 100 | 00 | „ |
| Plated manufactures of every description | 100 | 00 | „ | 100 | 00 | „ |
| Manufactures of metal gilt or silvered by the mercurial or electro-plate processes | 100 | 00 | „ | 100 | 00 | „ |
| Plate and jewellery of gold, of silver, platina, or other metals | 500 | 00 | „ | 500 | 00 | „ |
| Clocks and watches | 5 per cent. *ad valorem*. | | | 5 per cent. *ad valorem*. | | |
| Clock and watch movements | 100 | 00 | 100 kil. | 100 | 00 | 100 kil. |
| **MACHINES AND MACHINERY.** | | | | | | |
| WITH APPARATUS COMPLETE:— | | | | | | |
| Steam-engines stationary, with or without boilers or fly-wheels | 10 | 00 | „ | 6 | 00 | „ |
| Ditto, marine, with or without boilers | 20 | 00 | „ | 12 | 00 | „ |
| „ locomotives and portable engines | 15 | 00 | „ | 10 | 00 | „ |
| Tenders for locomotive engines, complete | 10 | 00 | „ | 8 | 00 | „ |
| Spinning machines | 15 | 00 | „ | 10 | 00 | „ |
| For weaving<br>For paper-making<br>For printing<br>For agricultural machines, and machines for making sheets and fillets of cards | 9 | 00 | „ | 6 | 00 | „ |
| Lace-making machines | 15 | 00 | „ | 10 | 00 | „ |
| Distilling apparatus, sugar-pans and boilers made of copper | 15 | 00 | „ | 10 | 00 | „ |
| Carding machines, not furnished | 15 | 00 | „ | 10 | 00 | „ |
| Steam-boilers, of sheet iron, of cylindrical or spherical shape, with or without boiler-pipes or heating-pipes | 10 | 00 | „ | 8 | 00 | „ |
| Ditto, tubular, of sheet iron, with tubes of wrought iron, copper or brass, or of sheet iron rivetted, with interior furnaces, and all other boilers not of cylindrical or spherical shape | 15 | 00 | „ | 12 | 00 | „ |
| Ditto, ditto, of sheet steel of every shape | 30 | 00 | „ | 25 | 00 | „ |

| Dénomination des Articles. | Taux des Droits d'Entrée. En 1860. | En 1864. |
|---|---|---|
| Petits objets en acier, tels que perles, coulants, broches, et dés à coudre | Fr. c. 25 00 les 100 kilo. | Fr. c. 20 00 les 100 kilo. |
| Articles de ménage et autres ouvrages en acier pur non dénommés | 40 00 id. | 32 00 id. |
| COUTELLERIE :— | | |
| De toute espèce | 20 pour cent de la valeur, abaissés à 15 pour cent de la valeur, à partir du 1 Janvier, 1866. | |
| Instruments de chirurgie, d'optique, et de précision | 10 pour cent de la valeur. | 10 pour cent de la valeur. |
| ARMES DE COMMERCE :— | | |
| Armes blanches | 40 00 les 100 kilo. | 40 00 les 100 kilo. |
| Armes à feu | 240 00 id. | 240 00 id. |
| **METAUX DIVERS.** | | |
| Outils en fer rechargés d'acier, emmanchés ou non | 18 00 id. | 15 00 id. |
| Objets en fonte et fer, non polis, le poids du fer étant inférieur à la moitié du poids total | 5 00 id. | 4 50 id. |
| id., id., le poids du fer étant égal ou supérieur à la moitié du poids total | 10 00 id. | 8 00 id. |
| Objets en fonte et fer polis, émaillés, ou vernissés, même avec ornements accessoires en fer, cuivre, laiton, ou acier | 15 00 id. | 12 00 id. |
| Toiles métalliques en fer ou en acier | 15 00 id. | 10 00 id. |
| Cylindres en cuivre ou laiton, pour impression, gravés ou non | 15 00 id. | 15 00 id. |
| Chaudronnerie | 25 00 id. | 20 00 id. |
| Toiles en fils de cuivre ou laiton | | |
| Objets d'art et d'ornement, et tous autres ouvrages en cuivre, pur ou allié de zinc ou d'étain | | |
| Ouvrages en zinc de toute espèce | 10 00 id. | 8 00 id. |
| Tuyaux et autres ouvrages de plomb de toute sorte | 5 00 id. | 3 00 id. |
| Caractères d'imprimerie neufs | 10 00 id. | 8 00 id. |
| Poteries et autres ouvrages en étain pur ou allié d'antimoine | 30 00 id. | 30 00 id. |
| Ouvrages en nickel allié au cuivre ou au zinc (argentan) | 100 00 id. | 100 00 id. |
| Ouvrages en plaqué, sans distinction de titre | 100 00 id. | 100 00 id. |
| Ouvrages en métaux, dorés ou argentés, soit au mercure, soit par les procédés électro-chimiques | 100 00 id. | 100 00 id. |
| Orfèvrerie et bijouterie en or, argent, platine, ou autres métaux | 500 00 id. | 500 00 id. |
| Horlogerie | 5 pour cent de la valeur. | 5 pour cent de la valeur. |
| Fournitures d'horlogerie | 100 00 les 100 kilo. | 100 00 les 100 kilo. |
| **MACHINES ET MECANIQUES.** | | |
| APPAREILS COMPLETS :— | | |
| Machines à vapeur fixes, avec ou sans chaudière, avec ou sans volant | 10 00 id. | 6 00 id. |
| id., id., pour la navigation, avec ou sans chaudière | 20 00 id. | 12 00 id. |
| Machines locomotives ou locomobiles | 15 00 id. | 10 00 id. |
| Tenders complets de machines locomotives | 10 00 id. | 8 00 id. |
| Machines pour la filature | 15 00 id. | 10 00 id. |
| „ pour le tissage | | |
| „ pour fabriquer le papier | | |
| „ à imprimer | 9 00 id. | 6 00 id. |
| „ pour l'agriculture | | |
| „ à bouter les plaques et rubans de cardes | | |
| Métiers à tulle | 15 00 id. | 10 00 id. |
| Appareils en cuivre à distiller | | |
| „ „ à sucre | 15 00 id. | 10 00 id. |
| „ „ de chauffage | | |
| Cardes non garnies | 15 00 id. | 10 00 id. |
| Chaudières à vapeur en tôle de fer, cylindriques ou sphériques, avec ou sans bouilleurs ou réchauffeurs | 10 00 id. | 8 00 id. |
| id., id., tubulaires en tôle de fer, à tubes en fer, cuivre ou laiton, étirés ou en tôle clouées, à foyers intérieurs, et toutes autres chaudières de forme non cylindrique ou sphérique simple | 15 00 id. | 12 00 id. |
| id., id., en tôle d'acier de toute forme | 30 00 id. | 25 00 id. |

| Description of Articles. | Rates of Import Duties. 1860. | 1864. |
|---|---|---|
| | Fr. c. | Fr. c. |
| Gasometers, open boilers, furnaces and stoves in sheet iron, or in cast and sheet iron | 10 00 100 kil. | 8 00 100 kil. |
| Machines for making machines ("machines outils") and machines not enumerated:— | | |
| Containing 75 per cent. or more of their weight in cast iron | 9 00 „ | 6 00 „ |
| Containing 50 per cent. and less than 75 per cent. of cast iron | 15 00 „ | 10 00 „ |
| Containing less than 50 per cent. of cast iron | 20 00 „ | 15 00 „ |
| Detached parts of machines:— | | |
| Sheets and fillets of cards on leather, india-rubber, or other materials | 60 00 „ | 50 00 „ |
| Dents of reeds in iron or in copper | 30 00 „ | 30 00 „ |
| Reeds complete, in iron or copper | 50 00 „ | |
| Pieces in cast iron, polished, filed, and adjusted | 9 00 „ | 6 00 „ |
| Pieces in wrought iron, polished, filed, and adjusted or not, without distinction of weight | 15 00 „ | 10 00 „ |
| Steel spring for carriages, waggons, or locomotives | 17 00 „ | 15 00 „ |
| Pieces in steel, polished, filed, adjusted or not: weighing more than 1 kilogramme | 30 00 „ | 25 00 „ |
| Ditto, 1 kilogramme and less | 40 00 „ | 35 00 „ |
| Pieces in copper, pure or mixed with any other metals | 25 00 „ | 20 00 „ |
| Sheets and fillets for cards of leather, caoutchouc, or other materials | 20 00 „ | 20 00 „ |
| Gold-leaf | 100 00 kil. | 100 00 kil. |
| Refined sugar | 41 00 100 kil. | 41 00 100 kil. |
| Carriages | 10 per cent. *ad valorem.* | 10 per cent. *ad valorem.* |
| Cabinet-makers' and turners' small wares, and wares in ivory or carved wood ("tabletterie") | „ | „ |
| Leather: prepared skins, varnished, dyed, and morocco leather | 250 00 100 kil. | 250 00 100 kil. |
| Ditto, all other kinds | 30 00 „ | 30 00 „ |
| Leather manufactures of all kinds | 10 per cent. *ad valorem.* | 10 per cent. *ad valorem.* |
| Wooden wares: empty casks, new or old not hooped, or hooped with wooden hoops | Free | Free |
| „ „ iron hoops | 10 per cent. *ad valorem.* | 10 per cent. *ad valorem.* |
| Shovels, forks, rakes, handles of tools, of wood, with or without ferrules | Free | Free |
| Oars | „ | „ |
| Plates, spoons, porringers, and other household articles | „ | „ |
| Pieces of carpenter's work, dressed or not | „ | „ |
| Parts of cartwright's work, dressed or not | „ | „ |
| Other articles of wood, not enumerated | 10 per cent. *ad valorem.* | 10 per cent. *ad valorem.* |
| Household furniture | „ | „ |
| | Per ton of French measurement:— | |
| | Fr. c. | Fr. c. |
| Ships and boats, built in the United Kingdom, not registered or sailing under British flag, in wood | 25 00 | 20 00 |
| Ditto, ditto, in iron | 70 00 | 60 00 |
| Hulls of ships, in wood | 15 00 | 10 00 |
| Ditto, ditto, in iron | 50 00 | 40 00 |

N.B.—The machines and machinery on board such ships shall be charged separately, according to the rates fixed by the Tariff for "Machines and Machinery."

The

| Dénomination des Articles. | Taux des Droits d'Entrée. | |
|---|---|---|
| | En 1860. | En 1864. |
| | Fr. c. | Fr. c. |
| Gazomètres, chaudières découvertes, poëles et calorifères en tôle ou en fonte et tôle .. .. .. | 10 00 les 100 kilo. | 8 00 les 100 kilo. |
| Machines outils, et machines non dénommées :— | | |
| Contenant 75 pour cent de fonte et plus .. .. | 9 00 id. | 6 00 id. |
| „ 50 à 75 pour cent exclusivement de leur poids en fonte .. .. . | 15 00 id. | 10 00 id. |
| „ moins de 50 pour cent de leur poids en fonte | 20 00 id. | 15 00 id. |
| Pièces détachées de machines:— | | |
| Plaques et rubans de cardes sur cuir, caoutchouc, ou sur tissus, purs ou mélangés .. .. .. | 60 00 id. | 50 00 id. |
| Dents de rots en fer ou en cuivre .. .. .. | 30 00 } id. | 30 00 id. |
| Rots, ferrures ou peignes à tisser, à dents de fer ou de cuivre .. .. .. .. .. | 50 00 } | |
| Pièces en fonte, polies, limées et ajustées .. .. | 9 00 id. | 6 00 id. |
| Pièces en fer forgé, polies, limées et ajustées ou non, quel que soit leur poids.. .. .. .. | 15 00 id. | 10 00 id. |
| Ressorts en acier pour carrosserie, wagons et locomotives .. .. .. .. . | 17 00 id. | 15 00 id. |
| Pièces en acier, polies, limées, ajustées ou non, pesant plus de un kilogramme .. .. .. .. | 30 00 id. | 25 00 id. |
| id., pesant 1 kilogramme ou moins .. .. .. | 40 00 id. | 35 00 id. |
| Pièces en cuivre pur, ou allié de tous autres métaux | 25 00 id. | 20 00 id. |
| Plaques et rubans de cuir, de caoutchouc et de tissus spécialement destinés pour cardes.. .. .. | 20 00 id. | 20 00 id. |
| Or battu en feuilles .. .. .. .. | 100 00 le kilo. | 100 00 le kilo. |
| Sucre raffiné .. .. .. .. .. | 41 00 les 100 kilo. | 41 00 les 100 kilo. |
| Carrosserie .. .. .. .. .. | 10 pour cent de la valeur. | 10 pour cent de la valeur. |
| Tabletterie et ouvrages en ivoire .. .. .. | 10 pour cent de la valeur. | 10 pour cent de la valeur. |
| Peaux vernies, teintes, ou maroquinées .. .. | 250 00 les 100 kilo. | 250 00 les 100 kilo. |
| Peaux préparées, de toute autre espèce .. .. | 30 00 id. | 30 00 id. |
| Ouvrages en peau et en cuir, de toute espèce .. .. | 10 pour cent de la valeur. | 10 pour cent de la valeur. |
| Futailles vides, neuves ou vieilles, montées ou démontées— | | |
| Cerclées en bois.. .. .. .. .. | Exempt | Exempt |
| Cerclées en fer .. .. .. .. .. | 10 pour cent de la valeur. | 10 pour cent de la valeur. |
| Pelles, fourches, rateaux, et manches d'outils en bois, avec ou sans viroles .. .. .. .. .. | Exempt | Exempt |
| Avirons . .. .. .. .. .. | id. | id. |
| Plats, cuillers, écuelles et autres articles de ménage en bois .. .. .. .. .. | id. | id. |
| Pièces de charpente, brutes ou façonnées .. .. | id. | id. |
| Pièces de charonnage, brutes ou façonnées .. .. | id. | id. |
| Autres ouvrages en bois non dénommés .. .. | 10 pour cent de la valeur. | 10 pour cent de la valeur. |
| Meubles .. .. .. .. .. .. | id. | id. |
| Bâtiments de mer construits dans le Royaume Uni non encore immatriculés ou naviguant sous pavillon Britannique, en bois .. .. .. .. .. | Par tonneau de jauge Française:— Fr. c. 25 00 | Fr. c. 20 00 |
| „ „ en fer .. .. .. .. .. | 70 00 | 60 00 |
| Coques de bâtiments de mer, en bois .. .. .. | 15 00 | 10 00 |
| „ „ en fer .. .. .. .. .. | 50 00 | 40 00 |

N.B. Les machines et moteurs installés à bord de ces bâtiments seront taxés séparément d'après le chiffre des droits spécifiés sous la rubrique "Machines et Mécaniques."

Le

D

The present Tariff is approved, and annexed to the Convention concluded on the 12th October, 1860, between Great Britain and France.

*Paris, October* 12, 1860.

Le présent Tarif est approuvé pour être annexé à la Convention conclue le 12 Octobre, 1860, entre la Grande Bretagne et la France.

*Paris, le* 12 *Octobre,* 1860.

COWLEY.
RICH$^{D.}$ COBDEN.
E. THOUVENEL.
F. ROUHER.

# FRANCE.

FIRST SUPPLEMENTARY CONVENTION to the Treaty of Commerce of January 23, 1860, between Her Majesty and the Emperor of the French.

*Signed at Paris, October* 12, 1860.

With a TARIFF thereto annexed.

*Presented to both Houses of Parliament by Command of Her Majesty.* 1861.

LONDON:
PRINTED BY HARRISON AND SONS.

# SECOND SUPPLEMENTARY CONVENTION

TO THE

# TREATY OF COMMERCE

OF

## JANUARY 23, 1860,

BETWEEN

# HER MAJESTY

AND THE

# EMPEROR OF THE FRENCH.

*Signed at Paris, November* 16, 1860.

## WITH A TARIFF THERETO ANNEXED.

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*Presented to both Houses of Parliament by Command of Her Majesty.*
1861.

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LONDON:
PRINTED BY HARRISON AND SONS.

# CONVENTION between Her Majesty and the Emperor of the French, supplementary to the Treaty of Commerce of January 23, 1860; with a Tariff annexed thereto.

*Signed at Paris, November* 16, 1860.

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[*Ratifications exchanged at Paris, November* 30, 1860.]

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HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of the French, desiring to insure the complete execution of the Treaty of the 23rd of January, 1860, by fixing the duties on the importation of such of the goods of British origin or manufacture enumerated in the said Treaty as were not comprised in the arrangement of the 12th of October last, have resolved to conclude, for that purpose, a Second Additional Convention, and have therefore named as their Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Henry Richard Charles, Earl Cowley, Viscount Dangan, Baron Cowley, a Peer of the United Kingdom, a Member of Her Majesty's Most Honourable Privy Council, Knight Grand Cross of the Most Honourable Order of the Bath, Her said Majesty's Ambassador Extraordinary and Plenipotentiary to His Majesty the Emperor of the French; and Richard Cobden, Esquire, a Member of the British Parliament;

And His Majesty the Emperor of the French, M. Thouvenel, a Senator of the Empire, Grand Cross of His Imperial Majesty's Order of the Legion of Honour, &c., &c., &c., His Imperial Majesty's Minister and Secretary of State for Foreign Affairs; and M. Rouher, a Senator of the Empire, Grand Cross of His Imperial Majesty's Order of the Legion of Honour, &c., &c., &c., His Imperial Majesty's Minister and Secretary of State for Agriculture, Commerce, and Public Works;

Who, after having communicated to each other their respective full-powers, found in good and due form, have agreed upon the following Articles:—

SA Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté l'Empereur des Français, voulant assurer la complète exécution du Traité du 23 Janvier, 1860, en fixant les droits à l'importation des marchandises d'origine ou de manufacture Britannique énumérées dans le dit Traité, et non comprises dans l'arrangement du 12 Octobre dernier, ont résolu de négocier dans ce but une deuxième Convention Additionnelle, et ont à cet effet nommé pour leurs Plénipotentiaires, savoir:

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, le Très Honorable Henry Richard Charles, Comte Cowley, Vicomte Dangan, Baron Cowley, Pair du Royaume Uni, Membre du Très Honorable Conseil Privé de Sa Majesté Britannique, Chevalier Grand-Croix du Très Honorable Ordre du Bain, Ambassadeur Extraordinaire et Plénipotentiaire de Sa dite Majesté près Sa Majesté l'Empereur des Français; et M. Richard Cobden, Ecuyer, Membre du Parlement Britannique;

Et Sa Majesté l'Empereur des Français, M. Thouvenel, Sénateur de l'Empire, Grand-Croix de Son Ordre Impérial de la Légion d'Honneur, &c., &c., &c., Son Ministre Secrétaire d'Etat au Département des Affaires Etrangères; et M. Rouher, Sénateur de l'Empire, Grand-Croix de Son Ordre Impérial de la Légion d'Honneur, &c., &c., &c., Son Ministre Secrétaire d'Etat au Département de l'Agriculture, du Commerce, et des Travaux Publics;

Lesquels, après s'être communiqué leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivants:—

## ARTICLE I.

The articles of British origin or manufacture enumerated in the Tariff annexed to the present Convention shall, when imported direct from the United Kingdom under the British or the French flag, be admitted into France at the duties specified by the said Tariff.

## ARTICLE II.

The rules established by Articles II, IV, V, VI, VII, and VIII, of the Convention concluded on the 12th of October last between the High Contracting Powers, for the proofs of origin, the declarations of importation, and the valuation by Experts of the productions taxed *ad valorem*, shall equally apply to the various articles of British origin or manufacture enumerated in the Tariff annexed to the present Convention.

Article III of the Convention of the 12th of October last, which exempts the importers of machines, or detached pieces of machines, of British origin or manufacture, from the obligation of producing models or drawings, is declared to be applicable to all the goods the importation whereof was subject to that formality, and which are comprised either in the present Convention or in that of the 12th of October last.

## ARTICLE III.

Independently of the duties of Customs stipulated in the Tariff annexed to the present Convention, and by application of Articles I and IX of the Treaty concluded between the High Contracting Powers on the 23rd of January last, the undermentioned articles of British origin or manufacture shall, on their importation into France, and by way of compensation for equivalent duties paid by French manufacturers, be subjected to the supplementary duties hereinafter prescribed :—

| | Fr. | c. | |
|---|---|---|---|
| Raw soda .. .. | 4 | 35 | 100 kil. |
| Crystals of soda .. | 4 | 35 | „ |
| Sulphate of Soda :— | | | |
| Pure— | | | |
| Anhydrate . | 6 | 0 | „ |
| Crystallized or hydrate | 2 | 40 | „ |
| Impure— | | | |
| Anhydrate . .. | 5 | 40 | „ |
| Crystallized or hydrate | 2 | 10 | „ |
| Sulphite of soda .. | 6 | 0 | „ |
| Salt of soda .. .. | 11 | 0 | „ |
| Hydrochloric acid .. | 3 | 0 | „ |
| Chloride of lime .. | 10 | 0 | „ |
| Chlorate of potash .. | 66 | 0 | „ |
| Choride of magnesium .. | 4 | 0 | „ |
| Plate glass or large mirrors | 1 | 0 | the superficial mètre. |

## ARTICLE I.

Les objets d'origine ou de manufacture Britannique énumérés dans le Tarif joint à la présente Convention, et importés directement du Royaume Uni sous pavillon Britannique ou Français, seront admis en France aux droits fixés par le dit Tarif.

## ARTICLE II.

Les règles consacrées par les Articles II, IV, V, VI, VII, et VIII, de la Convention conclue le 12 Octobre dernier entre les Hautes Puissances Contractantes, pour les justifications d'origine, les déclarations d'importation, et l'expertise des produits taxés *ad valorem*, s'appliqueront également aux divers produits d'origine ou de manufacture Britannique énumérés dans le Tarif annexé à la présente Convention.

L'Article III de la Convention du 12 Octobre dernier, qui dispense les importateurs de machines ou de pièces détachées de machines, d'origine ou de manufacture Britannique, de l'obligation de produire des modèles ou dessins, est déclaré applicable à toutes les marchandises dont l'importation était assujettie à cette formalité, et qui sont comprises soit dans la présente Convention, soit dans celle du 12 Octobre dernier.

## ARTICLE III.

Indépendamment des droits de Douane stipulés dans le Tarif annexé à la présente Convention, et par application des Articles I et IX du Traité conclu entre les Hautes Puissances Contractantes le 23 Janvier dernier, les produits d'origine ou de manufacture Britannique ci-dessous énumérés seront, à leur importation en France, et à titre de compensation des droits équivalents supportés par les fabricants Français, assujettis aux taxes supplémentaires ci-après déterminées :—

| | Fr. | c. | |
|---|---|---|---|
| Soude brute .. .. | 4 | 35 | les 100 kilog. |
| Cristaux de soude .. | 4 | 35 | „ |
| Sulfate de soude :— | | | |
| Pur— | | | |
| Anhydre .. .. | 6 | 0 | „ |
| Cristallisé ou hydraté | 2 | 40 | „ |
| Impur— | | | |
| Anhydre .. .. | 5 | 40 | „ |
| Cristallisé ou hydraté | 2 | 10 | „ |
| Sulfite de soude .. | 6 | 0 | „ |
| Sel de soude .. .. | 11 | 0 | „ |
| Acide hydrochlorique .. | 3 | 0 | „ |
| Chlorure de chaux .. | 10 | 0 | „ |
| Chlorate de potasse .. | 66 | 0 | „ |
| Chlorure de magnésium.. | 4 | 0 | „ |
| Glaces ou grands miroirs. | 1 | 0 | le mètre de superficie. |

| | Fr. | c. | |
|---|---|---|---|
| Glass ware, window glass, and other white glass .. | 3 | 20 | 100 kil. |
| Bottles .. .. .. | 1 | 25 | „ |
| Artificial ultramarine .. | 11 | 0 | „ |
| Sal ammoniac .. .. | 16 | 0 | „ |
| Kelp .. .. .. | 1 | 50 | „ |
| Salts or raw residue of the calcination of beet-root refuse .. .. | 1 | 25 | „ |
| Salt of tin .. .. | 3 | 0 | „ |
| Soap :— | | | |
| White or marbled, composed of alkalis and oil of olives, or oleaginous seeds, pure or mixed with animal fat— | | | |
| The oil composing at least half of the mixture of oleaginous bodies .. | 8 | 20 | „ |
| The oil composing less than half in the mixture of oleaginous bodies | 6 | 0 | „ |
| Of animal fat— | | | |
| Pure .. .. | 6 | 0 | „ |
| Mixed with resin .. | 6 | 0 | „ |
| Of palm or cocoa-nut oil mixed with animal fat | 4 | 0 | „ |
| Coloured, composed of oils from seeds or of animal fat .. .. | 6 | 0 | „ |
| Pure alcohol .. .. | 90 | 0 | the hectolitre. |
| Beer .. .. .. | 2 | 40 | „ |
| Spirits of wine varnish, per hectolitre of pure alcohol contained in the varnish | 90 | 0 | „ |

| | Fr. | c. | |
|---|---|---|---|
| Gobeletterie, verres à vitres, et autres verres blancs .. .. | 3 | 20 | les 100 kilog. |
| Bouteilles .. .. | 1 | 25 | „ |
| Outre mer factice .. | 11 | 0 | „ |
| Sel ammoniaque .. | 16 | 0 | „ |
| Soudes de varech .. | 1 | 50 | „ |
| Salin ou résidu brut de la calcination des vinasses de betterave .. | 1 | 25 | „ |
| Sel d'étain .. .. | 3 | 0 | „ |
| Savons :— | | | |
| Blancs ou marbrés, composés d'alcalis et d'huile d'olive ou de graines grasses, pures ou mélangées de graisses animales— | | | |
| L'huile entrant pour la moitié au moins dans le mélange des corps gras .. | 8 | 20 | „ |
| L'huile entrant pour moins de moitié dans le mélange des corps gras .. | 6 | 0 | „ |
| De graisses animales— | | | |
| Purs .. .. | 6 | 0 | „ |
| Mélangés de résine . | 6 | 0 | „ |
| D'huile de palme ou de coco mélangés de graisses animales .. | 4 | 0 | „ |
| De couleur, composés d'huiles de graines ou de graisses animales . | 6 | 0 | „ |
| Alcool pur .. .. | 90 | 0 | l'hectolitre. |
| Bière .. .. | 2 | 40 | „ |
| Vernis à l'esprit de vin, par l'hectolitre d'alcool pur contenu dans le vernis .. .. | 90 | 0 | „ |

It is understood that refined sugar is not comprised in this list, because the duty of 41 francs per 100 kilogrammes, fixed on the importation of that article, includes the duty on consumption with which it is now charged in France.

It is equally agreed between the High Contracting Powers that, in the event of the modification or the suppression of the duties of excise now imposed upon French manufacturers, goods of British origin and manufacture shall, with regard to such duties of excise, be subjected to the same conditions as similar French goods. If, however, in consequence of the suppression of any of such duties, the Government should establish a supervision or control, or an administrative system over certain articles of French manufacture, the direct or indirect charges which may be borne by the French manufacturer shall be countervailed by an equivalent surtax imposed upon similar British articles. It is further understood, that if drawbacks are granted to other articles of French manufacture, the duties of Customs which are imposed upon similar articles of British origin or manufacture shall be augmented by a surtax equal to the amount of the drawbacks.

Il est entendu que le sucre raffiné n'est pas compris dans cette nomenclature, parceque le droit de 41 francs par 100 kilogrammes, fixé à l'importation de ce produit, comprend l'impôt de consommation dont il est actuellement grévé en France.

Il est également convenu entre les Hautes Puissances Contractantes qu'en cas de modification ou de suppression des droits d'accise actuellement imposés aux fabricants Français, les produits d'origine ou de manufacture Britannique seront, pour ces droits d'accise, soumis aux mêmes conditions que les produits similaires Français. Toutefois, si par suite de la suppression de l'un de ces droits, le Gouvernement établit une surveillance, un contrôle, ou un exercice administratif sur certains produits fabriqués Français, les charges directes ou indirectes dont seront grévés les fabricants Français seront compensées par une surtaxe équivalente établie sur les produits similaires Britanniques. Il demeure en outre entendu, que si des drawbacks sont accordés à d'autres produits de fabrication Française, les droits de Douane qui grèvent les produits similaires d'origine ou de fabrication Britannique, seront augmentés d'une surtaxe égale au montant de ces drawbacks.

ARTICLE IV.

With regard to pure and mixed tissues taxed *ad valorem*, the valuation of which may appear to the French Government to present difficulties, they reserve to themselves the power to designate the Custom-house of Paris exclusively for the admission of such goods.

ARTICLE V.

Each of the High Contracting Powers engages to extend to the other any favour, any privilege or diminution of Tariff, which either of them may grant to a third Power in regard to the importation of goods mentioned, or not mentioned, in the Treaty of the 23rd of January, 1860.

ARTICLE VI.

The Tariff annexed to the present Convention shall come into force within a time which shall not be later than the 1st of June 1861 for yarns and tissues of flax, hemp, and jute, and the 1st of October following for all other articles.

ARTICLE VII.

The present Convention shall have the same duration as the Treaty concluded between the High Contracting Parties on the 23rd of January last, of which it is a complement.

ARTICLE VIII.

The present Convention shall be ratified, and the ratifications shall be exchanged at Paris within fifteen days, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed it, and have affixed thereto the seal of their arms.

Done in duplicate, at Paris, the sixteenth day of November, one thousand eight hundred and sixty.

ARTICLE IV.

A l'égard des tissus purs et mélangés taxés à la valeur, dont l'estimation dans les ports lui paraîtrait présenter des difficultés, le Gouvernement Français se réserve la faculté de désigner exclusivement la Douane de Paris pour l'admission de ces marchandises.

ARTICLE V.

Chacune des Hautes Puissances Contractantes s'engage à faire profiter l'autre de toute faveur, de tout privilège ou abaissement de Tarif, que l'une d'elles accorderait à une tierce Puissance pour l'importation de marchandises mentionnées ou non dans le Traité du 23 Janvier, 1860.

ARTICLE VI.

Le Tarif annexé à la présente Convention entrera en vigueur dans un délai qui ne pourra dépasser le 1er Juin 1861 pour les fils et tissus de lin, de chanvre, et de jute, et le 1er Octobre suivant pour tous les autres articles.

ARTICLE VII.

La présente Convention aura la même durée que le Traité conclu entre les Hautes Puissances Contractantes le 23 Janvier dernier, dont elle est l'un des compléments.

ARTICLE VIII.

La présente Convention sera ratifiée, et les ratifications en seront échangées à Paris dans le délai de quinze jours, ou plus tôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs l'ont signée, et y ont apposé le cachet de leurs armes.

Fait en double, à Paris, le seizième jour du mois de Novembre, de l'an mil huit cent soixante.

(L.S.) COWLEY.
(L.S.) RICH$^{D}$. COBDEN.
(L.S.) E. THOUVENEL.
(L.S.) F. ROUHER.

# TARIFF

ANNEXED TO THE

# CONVENTION

CONCLUDED THE

16th November, 1860,

BETWEEN

# GREAT BRITAIN

AND

# FRANCE.

# TARIF

ANNEXÉ A LA

# CONVENTION

CONCLUE LE

16 Novembre, 1860,

ENTRE

# GRANDE BRETAGNE

ET

# LA FRANCE.

| Description of Articles. | Rate of Duty in 1860. | Rate of Duty in 1864. |
|---|---|---|
| **TEXTILE FABRICS.** | | |
| FLAX AND HEMP:— | Fr. c. | |
| Flax or hemp, combed | 5 00 per 100 kilog. | |
| Yarn of hemp or flax measuring, to the kilogramme:— | | |
| Single:— | | |
| Unbleached:— | | |
| 6,000 mètres, or less | 15 00 „ | |
| More than 6,000 mètres, and not more than 12,000 | 20 00 „ | |
| More than 12,000 „ 24,000 | 30 00 „ | |
| More than 24,000 „ 36,000 | 36 00 „ | |
| More than 36,000 „ 72,000 | 60 00 „ | |
| More than 72,000 | 100 00 „ | |
| Bleached, or dyed:— | | |
| 6,000 mètres or less | 20 00 „ | |
| More than 6,000 mètres, and not more than 12,000 | 27 00 „ | |
| More than 12,000 „ 24,000 | 40 00 „ | |
| More than 24,000 „ 36,000 | 48 00 „ | |
| More than 36,000 „ 72,000 | 80 00 „ | |
| More than 72,000 | 133 00 „ | |
| Twisted:— | | |
| Unbleached | Same duties as upon single unbleached yarn, augmented by 40 per cent., according to the class. | |
| Bleached, or dyed | Same duties as upon single bleached or dyed yarns, augmented by 40 per cent., according to the class. | |
| Tissues of flax or hemp, plain linens and diaper, having in the warp in the space of 5 square millimètres:— | | |
| Unbleached:— | | |
| 8 threads or less | 30 00 per 100 kilog. | |
| 9, 10, and 11 threads | 55 00 „ | |
| 12, 13, and 14 threads | 90 00 „ | |
| 15, 16, and 17 threads | 115 00 „ | |
| 18, 19, and 20 threads | 170 00 „ | |
| 21, 22, and 23 threads | 260 00 „ | |
| 24 threads and above | 400 00 „ | |
| Bleached, dyed, or printed:— | | |
| 8 threads or less | 40 00 „ | |
| 9, 10, and 11 threads | 70 00 „ | |
| 12, 13, and 14 threads | 120 00 „ | |
| 15, 16, and 17 threads | 155 00 „ | |
| 18, 19, and 20 threads | 230 00 „ | |
| 21, 22, and 23 threads | 350 00 „ | |
| 24 threads and above | 535 00 „ | |
| Drills, plain or figured, having in the warp in the space of 5 square millimètres:— | | |
| Unbleached:— | | |
| 8 threads in warp, or less | 35 00 „ | |
| 9, 10, and 11 threads | 55 00 „ | |
| 12, 13, and 14 threads | 90 00 „ | |
| More than 14 threads | 115 00 „ | |
| Bleached, dyed, or printed:— | | |
| 8 threads or less | 47 00 „ | |
| 9, 10, and 11 threads | 70 00 „ | |
| 12, 13, and 14 threads | 120 00 „ | |
| More than 14 threads | 155 00 „ | |
| Yarns and tissues of flax or hemp mixed with other materials will pay the same duties as pure yarns and tissues of flax or hemp, provided that the flax or hemp predominates in weight. | | |
| Damasks | 16 per cent. *ad valorem*. | |

| Dénomination des Articles. | Taux des Droits en 1860. | Taux des Droits en 1864. |
|---|---|---|
| **INDUSTRIES TEXTILES.** | | |
| LIN :— | Fr. c. | |
| Lin ou chanvre peigné | 5 00 par 100 kilog. | |
| Fils de lin ou de chanvre mesurant au kilogramme :— | | |
| Simples :— | | |
| Ecrus :— | | |
| 6,000 mètres ou moins | 15 00 „ | |
| Plus de 6,000 mètres, pas plus de 12,000 | 20 00 „ | |
| Plus de 12,000 „ 24,000 | 30 00 „ | |
| Plus de 24,000 „ 36,000 | 36 00 „ | |
| Plus de 36,000 „ 72,000 | 60 00 „ | |
| Plus de 72,000 | 100 00 „ | |
| Blanchis, ou teints :— | | |
| 6,000 mètres ou moins | 20 00 „ | |
| Plus de 6,000 mètres, pas plus de 12,000 | 27 00 „ | |
| Plus de 12,000 „ 24,000 | 40 00 „ | |
| Plus de 24,000 „ 36,000 | 48 00 „ | |
| Plus de 36,000 „ 72,000 | 80 00 „ | |
| Plus de 72,000 | 133 00 „ | |
| Retors :— | | |
| Ecrus | Mêmes droits que sur les fils simples écrus, augmentés de 40 pour cent suivant la classe. | |
| Blanchis ou teints | Mêmes droits que sur les fils simples teints ou blanchis, augmentés de 40 pour cent suivant la classe. | |
| Tissus de lin ou de chanvre unis ou ouvrés, présentant en chaîne dans l'espace de 5 millimètres carrés :— | | |
| Ecrus :— | | |
| 8 fils ou moins | 30 00 par 100 kilog. | |
| De 9, 10, et 11 fils | 55 00 „ | |
| De 12, 13, et 14 fils | 90 00 „ | |
| De 15, 16, et 17 fils | 115 00 „ | |
| De 18, 19, et 20 fils | 170 00 „ | |
| De 21, 22, et 23 fils | 260 00 „ | |
| De 24 fils et au-dessus | 400 00 „ | |
| Blanchis, teints, ou imprimés :— | | |
| 8 fils ou moins | 40 00 „ | |
| De 9, 10, et 11 fils | 70 00 „ | |
| De 12, 13, et 14 fils | 120 00 „ | |
| De 15, 16, et 17 fils | 155 00 „ | |
| De 18, 19, et 20 fils | 230 00 „ | |
| De 21, 22, et 23 fils | 350 00 „ | |
| 24 fils et au-dessus | 535 00 „ | |
| Coutils unis ou façonnés présentant en chaîne dans l'espace de 5 millimètres :— | | |
| Ecrus :— | | |
| 8 fils en chaîne ou moins | 35 00 „ | |
| De 9, 10, et 11 fils | 55 00 „ | |
| De 12, 13, et 14 fils | 90 00 „ | |
| Plus de 14 fils | 115 00 „ | |
| Blanchis, teints, ou imprimés :— | | |
| 8 fils ou moins | 47 00 „ | |
| De 9, 10, et 11 fils | 70 00 „ | |
| De 12, 13, et 14 fils | 120 00 „ | |
| Plus de 14 fils | 155 00 „ | |
| Les fils et tissus de lin ou de chanvre mélangés suivront le même régime que les fils et tissus de lin ou de chanvre purs, pourvu que le lin ou le chanvre domine en poids. | | |
| Linge damassé | 16 pour cent de la valeur. | |

| Description of Articles. | Rate of Duty in 1860. | Rate of Duty in 1864. |
|---|---|---|
| | Fr. c. | Fr. c. |
| Cambrics .. .. .. .. .. .. | Same duties as plain linens. | |
| Lawns .. .. .. .. .. .. | | |
| Handkerchiefs, bordered .. .. .. .. | | |
| Net of thread .. .. .. .. .. | Same duties as cotton net. | |
| Lace, do. .. .. .. .. .. | 5 per cent. *ad valorem.* | |
| Hosiery, do. .. .. .. .. .. | | |
| Haberdashery, do. .. .. .. .. | | |
| Ribbon of thread, unbleached, bleached, or dyed .. | 15 per cent. *ad valorem.* | |
| Articles made of flax or hemp, wholly or in part made up .. .. .. .. .. .. | | |
| Articles not enumerated .. .. .. .. | | |
| JUTE :— | | |
| In the fibre, or hackled, imported direct from British India, or from British entrepôts, in British or French vessels .. .. .. .. .. | Free. | |
| Combed .. .. .. .. .. | 3 00 per 100 kilog. | |
| Jute yarn, measuring per kilogramme :— | | |
| Unbleached :— | | |
| Less than 1,400 mètres .. .. .. | 7 00 per 100 kilog. | 5 00 per 100 kilog. |
| From 1,400 to 3,700 mètres, exclusively .. .. | 9 20 „ | 6 00 „ |
| From 3,700 to 4,200 „ id. .. .. | 10 20 „ | 7 00 „ |
| From 4,200 to 6,000 „ id. .. .. | 15 00 „ | 10 00 „ |
| More than 6,000 „ .. .. .. | Same as linen yarn. | |
| Bleached, or dyed :— | | |
| Less than 1,400 mètres .. .. .. | 10 00 per 100 kilog. | 7 00 per 100 kilog. |
| From 1,400 to 3,700 mètres, exclusively .. .. | 13 00 „ | 9 00 „ |
| From 3,700 to 4,200 „ id. .. .. | 15 00 „ | 10 00 „ |
| From 4,200 to 6,000 „ id. .. .. | 22 00 „ | 14 00 „ |
| More than 6,000 „ .. .. .. | Same as linen yarn. | |
| Tissues of jute, having in the warp in the space of 5 square millimètres :— | | |
| Unbleached :— | | |
| 1, 2, and 3 threads, plain .. .. .. | 13 00 per 100 kilog. | 10 00 per 100 kilog. |
| 1, 2, and 3 threads, twilled .. .. .. | 15 00 „ | 12 00 „ |
| 4 and 5 threads .. .. .. .. | 21 00 „ | 16 00 „ |
| 6, 7, and 8 threads .. .. .. .. | 30 00 „ | 24 00 „ |
| More than 8 threads .. .. .. .. | Same as tissues of linen, according to class. | |
| Bleached, or dyed :— | | |
| 1, 2, and 3 threads, plain .. .. .. | 19 00 per 100 kilog. | 15 00 per 100 kilog. |
| 1, 2, and 3 threads, twilled .. .. .. | 22 00 „ | 17 00 „ |
| 4 and 5 threads .. .. .. .. | 30 00 „ | 23 00 „ |
| 6, 7, and 8 threads .. .. .. .. | 44 00 „ | 35 00 „ |
| More than 8 threads .. .. .. .. | Same as tissues of linen, according to class. | |
| Carpets, rugs, and matting .. .. .. .. | 32 00 per 100 kilog. | 24 00 per 100 kilog. |
| Yarns and tissues of jute mixed with other materials, will pay the same duties as pure yarns and tissues of jute, provided that the jute predominates in weight. | | |
| VEGETABLE FIBRES :— | | |
| Phormium tenax, abaca, and other vegetable fibres, not specified :— | | |
| Filaments :— | | |
| Raw or stripped .. .. .. .. | Free. | |
| Combed or twisted .. .. .. .. | 1 00 per 100 kilog. | |
| Threads .. .. .. .. .. | 5 per cent. *ad valorem.* | |
| Tissues .. .. .. .. .. | 10 per cent. *ad valorem.* | |
| Horse-hair, raw, of all kinds, prepared or curled .. | Free. | |
| Tissues and manufactures of horse-hair, pure or mixed .. | 10 per cent. *ad valorem.* | |
| COTTONS :— | | |
| Cotton, raw, imported direct from British India, or from British entrepôts, in British or French vessels .. | Free. | |
| Cotton, in sheets, carded or gummed (wadding) .. | 0 10 per kilog. | |

| Dénomination des Articles. | Taux des Droits en 1860. | Taux des Droits en 1864. |
|---|---|---|
| | Fr. c. | Fr. c. |
| Batiste .. .. .. .. .. .. | Même régime que les toiles unies | |
| Linons .. .. .. .. .. .. | | |
| Mouchoirs encadrés .. .. .. .. | | |
| Tulle de lin .. .. .. .. .. | Même régime que le tulle de coton. | |
| Dentelles, do. .. .. .. .. .. | 5 pour cent de la valeur. | |
| Bonneterie, do. .. .. .. .. .. | | |
| Passementerie, do. .. .. .. .. | 15 pour cent de la valeur. | |
| Rubannerie de fil, écrue, blanchie, ou teinte .. .. | | |
| Articles en lin ou en chanvre, confectionnés en tout ou en partie .. .. .. .. .. | | |
| Articles non dénommés .. .. .. .. | | |
| JUTE :— | | |
| En brins, ou teillé, importé directement de l'Inde Anglaise, ou des entrepôts du Royaume Uni sous pavillon de l'un ou l'autre des deux pays .. .. | Exempt. | |
| Peigné .. .. .. .. .. .. | 3 00 par 100 kilog. | |
| Fils de jute, mesurant au kilogramme :— | | |
| Ecrus :— | | |
| Moins de 1,400 mètres .. .. .. | 7 00 par 100 kilog. | 5 00 par 100 kilog. |
| De 1,400 à 3,700 mètres, exclusivement .. .. | 9 20 „ | 6 00 „ |
| De 3,700 à 4,200 „ id. .. .. | 10 20 „ | 7 00 „ |
| De 4,200 à 6,000 „ id. .. .. | 15 00 „ | 10 00 „ |
| Plus de 6,000 „ .. .. .. | Même régime que les fils de lin. | |
| Blanchis ou teints :— | | |
| Moins de 1,400 mètres .. .. .. | 10 00 par 100 kilog. | 7 00 par 100 kilog. |
| De 1,400 à 3,700 mètres, exclusivement .. .. | 13 00 „ | 9 00 „ |
| De 3,700 à 4,200 „ id. .. .. | 15 00 „ | 10 00 „ |
| De 4,200 à 6,000 „ id. .. .. | 22 00 „ | 14 00 „ |
| Plus de 6,000 „ .. .. .. | Même régime que les fils de lin. | |
| Tissus de jute, présentant en chaîne dans l'espace de 5 millimètres carrés :— | | |
| Ecrus :— | | |
| 1, 2, et 3 fils, unis .. .. .. .. | 13 00 par 100 kilog. | 10 00 par 100 kilog. |
| 1, 2, et 3 fils, croisés .. .. .. .. | 15 00 „ | 12 00 „ |
| 4 et 5 fils .. .. .. .. | 21 00 „ | 16 00 „ |
| 6, 7, et 8 fils .. .. .. .. | 30 00 „ | 24 00 „ |
| Plus de 8 fils .. .. .. .. | Même régime que les tissus de lin suivant la classe. | |
| Blanchis ou teints :— | | |
| 1, 2, et 3 fils, unis .. .. .. .. | 19 00 par 100 kilog. | 15 00 par 100 kilog. |
| 1, 2, et 3 fils, croisés .. .. .. .. | 22 00 „ | 17 00 „ |
| 4 et 5 fils .. .. .. .. | 30 00 „ | 23 00 „ |
| 6, 7, et 8 fils .. .. .. .. | 44 00 „ | 35 00 „ |
| Plus de 8 fils .. .. .. .. | Même régime que les tissus de lin suivant la classe. | |
| Tapis de jute, ras ou à poil .. .. .. .. | 32 00 par 100 kilog. | 24 00 par 100 kilog. |
| Les fils et tissus de jute mélangés avec d'autres matières suivront le même régime que les fils et tissus de jute purs, pourvu que le jute domine en poids. | | |
| VÉGÉTAUX FILAMENTEUX :— | | |
| Phormium tenax, abaca, et autres végétaux filamenteux, non dénommés :— | | |
| Filaments :— | | |
| Bruts ou teillés .. .. .. .. | Exempts. | |
| Peignés ou tordus .. .. .. .. | 1 00 par 100 kilog. | |
| Fils .. .. .. .. .. | 5 pour cent de la valeur. | |
| Tissus .. .. .. .. .. | 10 pour cent de la valeur. | |
| Crin brut de toute nature, même préparé ou frisé .. | Exempt. | |
| Tissus et ouvrages de crin purs ou mélangés .. .. | 10 pour cent de la valeur. | |
| COTONS :— | | |
| Coton de l'Inde en laine, importé soit directement des lieux de production, soit des entrepôts du Royaume Uni, sous pavillon Français ou Britannique .. .. | Exempt. | |
| Coton, en feuilles cardées ou gommées (ouates) .. | 0 10 le kilog. | |

| Description of Articles. | Rate of Duty in 1860. | Rate of Duty in 1864. |
|---|---|---|
| Cotton yarn, single :— | | |
| Unbleached :— | | |
| Of 20,000 mètres or less to the half kilogramme .. | Fr. c. 0 15 per kilog. | |
| Of 21,000 to 30,000 .. .. .. .. | 0 20 „ | |
| Of 31,000 to 40,000 .. .. .. .. | 0 30 „ | |
| Of 41,000 to 50,000 .. .. .. .. | 0 40 „ | |
| Of 51,000 to 60,000 .. .. .. .. | 0 50 „ | |
| Of 61,000 to 70,000 .. .. .. .. | 0 60 „ | |
| Of 71,000 to 80,000 .. .. .. .. | 0 70 „ | |
| Of 81,000 to 90,000 .. .. .. .. | 0 90 „ | |
| Of 91,000 to 100,000 .. .. .. .. | 1 00 „ | |
| Of 101,000 to 110,000 .. .. .. .. | 1 20 „ | |
| Of 111,000 to 120,000 .. .. .. .. | 1 40 „ | |
| Of 121,000 to 130,000 .. .. .. .. | 1 60 „ | |
| Of 131,000 to 140,000 .. .. .. .. | 2 00 „ | |
| Of 141,000 to 170,000 .. .. .. .. | 2 50 „ | |
| Of 171,000 and above .. .. .. .. | 3 00 „ | |
| Bleached .. .. .. .. .. | 15 per cent. above the duties on unbleached. | |
| Dyed .. .. .. .. .. .. | 25 centimes per kilogramme above the duties on unbleached. | |
| Twisted in two strands :— | | |
| Unbleached .. .. .. .. .. | 50 per cent. above the duties on single yarn unbleached. | |
| Bleached .. .. .. .. .. | 15 per cent. above twisted unbleached. | |
| Dyed .. .. .. .. .. .. | 25 centimes per kilogramme above twisted unbleached. | |
| Warped yarns :— | | |
| Unbleached .. .. .. .. .. | 50 per cent. above the duties on single unbleached yarn. | |
| Bleached .. .. .. .. .. | 15 per cent. above the duties on unbleached warped yarns. | |
| Dyed .. .. .. .. .. .. | 25 centimes per kilogramme above the duties on unbleached warped yarns. | |
| Yarns of three threads, grey, bleached, or dyed :— | Fr. c. | |
| Single twist .. .. .. .. .. | 0 06 per 1,000 mètres. | |
| Double or cable twist .. .. .. .. | 0 12 „ | |
| Cotton tissues, plain, twilled, and ticks, unbleached :— | | |
| 1st Class, weighing 11 kilogrammes or more the 100 mètres square :— | | |
| Of 35 threads and less to the 5 square millimètres .. | 0 50 per kilog. | |
| Of 36 threads and above .. .. .. | 0 80 „ | |
| 2nd Class, weighing 7 to 11 kilogrammes exclusively the 100 mètres square :— | | |
| Of 35 threads and less .. .. .. .. | 0 60 „ | |
| Of 36 to 43 threads .. .. .. .. | 1 00 „ | |
| Of 44 threads and above .. .. .. | 2 00 „ | |
| 3rd Class, weighing 3 to 7 kilogrammes exclusively the 100 mètres square :— | | |
| Of 27 threads and less .. .. .. .. | 0 80 „ | |
| Of 28 to 35 threads .. .. .. .. | 1 20 „ | |
| Of 36 to 43 threads .. .. .. .. | 1 90 „ | |
| Of 44 threads and above .. .. .. | 3 00 „ | |
| Cotton tissues :— | | |
| Bleached .. .. .. .. .. | 15 per cent. above the duty on unbleached. | |
| Dyed .. .. .. .. .. .. | 25 centimes per kilogramme above the duty on unbleached. | |
| Printed .. .. .. .. .. | 15 per cent. *ad valorem*. | |
| Velvets and fustians :— | | |
| Made as silk velvet :— | | |
| Unbleached .. .. .. .. .. | 0 85 per kilog. | |
| Dyed or printed .. .. .. .. | 1 10 „ | |
| Other kinds—cords, moleskins, &c. :— | | |
| Unbleached .. .. .. .. .. | 0 60 „ | |
| Dyed or printed .. .. .. .. .. | 0 85 „ | |
| Cotton tissues, unbleached, plain or twilled, weighing less than 3 kilogrammes per 100 square mètres .. | 15 per cent. *ad valorem*. | |
| Quiltings, dimities, stripes and checks, damasks and brilliants .. .. .. .. | | |
| Counterpanes and blankets .. .. .. .. | | |
| Net, plain or embroidered .. .. .. .. | | |
| Gauzes and muslins, embroidered or figured in the loom, for furniture or hangings .. .. .. .. | | |
| Articles wholly or in part made up .. .. .. | | |
| Articles not denominated .. .. .. .. | | |

| Dénomination des Articles. | Taux des Droits en 1860. | Taux des Droits en 1864. |
|---|---|---|
| Fils de coton simples, mesurant au demi kilogramme :— | | |
| Ecrus :— | | |
| 20,000 mètres ou moins | Fr. c. 0 15 le kilog. | |
| De 21,000 à 30,000 | 0 20 „ | |
| De 31,000 à 40,000 | 0 30 „ | |
| De 41,000 à 50,000 | 0 40 „ | |
| De 51,000 à 60,000 | 0 50 „ | |
| De 61,000 à 70,000 | 0 60 „ | |
| De 71,000 à 80,000 | 0 70 „ | |
| De 81,000 à 90,000 | 0 90 „ | |
| De 91,000 à 100,000 | 1 00 „ | |
| De 101,000 à 110,000 | 1 20 „ | |
| De 111,000 à 120,000 | 1 40 „ | |
| De 121,000 à 130,000 | 1 60 „ | |
| De 131,000 à 140,000 | 2 00 „ | |
| De 141,000 à 170,000 | 2 50 „ | |
| De 171,000 et au-dessus | 3 00 „ | |
| Blanchis | Le droit sur le fil simple écru, augmenté de 15 pour cent. | |
| Teints | Le droit sur le fil simple écru, augmenté de 25 centimes par kilog. | |
| Fils de coton retors en deux bouts :— | | |
| Ecrus | Le droit afférent au numéro du fil simple employé au retordage, augmenté de 50 pour cent. | |
| Blanchis | Le droit sur le fil écru retors en deux bouts, augmenté de 15 pour cent. | |
| Teints | Le droit sur le fil écru retors en deux bouts, augmenté de 25 centimes par kilog. | |
| Chaînes ourdies :— | | |
| Ecrues | Le droit sur le fil simple, augmenté de 50 pour cent. | |
| Blanchies | Le droit sur les chaînes ourdies écrues, augmenté de 15 pour cent. | |
| Teintes | Le droit sur les chaînes ourdies écrues, augmenté de 25 centimes par kilog. | |
| Fils écrus, blanchis ou teints, en trois bouts et plus :— | Fr. c. | |
| A simple torsion | 0 6 pour 1,000 mètres. | |
| A plusieurs torsions ou cables | 0 12 „ | |
| Tissus de coton, écrus, unis, croisés, coutils :— | | |
| 1ère Classe, pesant 11 kilogrammes et plus les 100 mètres carrés :— | | |
| De 35 fils et au-dessous aux 5 millimètres | 0 50 le kilog. | |
| De 36 fils et au-dessus | 0 80 „ | |
| 2e Class, pesant de 7 à 11 kilogrammes exclusivement les 100 mètres carrés :— | | |
| De 35 fils et au-dessous | 0 60 „ | |
| De 36 fils à 43 fils | 1 00 „ | |
| De 44 fils et au-dessus | 2 00 „ | |
| 3e Classe, pesant de 3 à 7 kilogrammes exclusivement les 100 mètres carrés :— | | |
| De 27 fils et au-dessous | 0 80 „ | |
| De 28 fils à 35 fils | 1 20 „ | |
| De 36 fils à 43 fils | 1 90 „ | |
| De 44 fils et au-dessus | 3 00 „ | |
| Tissus de coton :— | | |
| Blanchis | 15 pour cent. en sus du droit sur l'écru. | |
| Teints | 0 25 par kilog. en sus du droit sur l'écru. | |
| Imprimés | 15 pour cent de la valeur. | |
| Velours de coton :— | | |
| Façon soie (dits "velvets") :— | | |
| Ecrus | 0 85 le kilog. | |
| Teints au imprimés | 1 10 „ | |
| Autres—cords, moleskins, &c. :— | | |
| Ecrus | 0 60 „ | |
| Teints ou imprimés | 0 85 „ | |
| Tissus de coton écrus, unis ou croisés, pesant moins de 3 kilogrammes par 100 mètres carrés | 15 pour cent de la valeur. | |
| Piqués, bazins, façonnés, damassés, et brillantés | | |
| Couvertures de coton | | |
| Tulles unis ou brodés | | |
| Gazes et mousselines, brodées ou brochées, pour ameublements ou tentures | | |
| Articles confectionnés en tout ou en partie | | |
| Articles non dénommés | | |

| Description of Articles. | Rate of Duty in 1860. | Rate of Duty in 1864. |
|---|---|---|
| Embroidery by hand | 10 per cent. *ad valorem.* | |
| Lace and blonde | 5 per cent. *ad valorem.* | |
| Cotton yarns and tissues mixed with other materials will pay the same duties as yarns and tissues of pure cotton, provided that the cotton predominates in weight. | | |
| **Woollens:—** | | |
| Wool, raw, Australian, imported direct or from British entrepôts in British or French vessels | Free. | |
| | Fr. c. | |
| Wool, dyed in masses | 25 00 per 100 kilog. | |
| Id., combed (dyed or not) | 25 00 „ | |
| Single yarn of pure wool, bleached or not, containing in the kilogramme:— | | |
| Of 1 to 30,000 mètres | 0 25 per kilog. | |
| Of 31,000 to 40,000 „ | 0 35 „ | |
| Of 41,000 to 50,000 „ | 0 45 „ | |
| Of 51,000 to 60,000 „ | 0 55 „ | |
| Of 61,000 to 70,000 „ | 0 65 „ | |
| Of 71,000 to 80,000 „ | 0 75 „ | |
| Of 81,000 to 90,000 „ | 0 85 „ | |
| Of 91,000 to 100,000 „ | 0 95 „ | |
| Of 101,000 and above | 1 00 „ | |
| Double yarn for weaving, bleached or not | 50 per cent. above the duty on single unbleached yarn. | |
| Id. for embroidery | Double the duties on single yarns. | |
| Dyed yarns, single or double | 25 centimes per kilogramme above the duties on yarns undyed. | |
| Tissues of wool, pure | 15 per cent. *ad valorem.* | 10 per cent. *ad valorem.* |
| Felt of all kinds | 15 per cent. *ad valorem.* | 10 per cent. *ad valorem.* |
| Blankets of pure wool | 15 per cent. *ad valorem.* | 10 per cent. *ad valorem.* |
| Carpets of all kinds | 15 per cent. *ad valorem.* | |
| Hosiery of pure wool | 15 per cent. *ad valorem.* | 10 per cent. *ad valorem.* |
| Haberdashery of pure wool | 15 per cent. *ad valorem.* | 10 per cent. *ad valorem.* |
| Ribbons of wool | 15 per cent. *ad valorem.* | 10 per cent. *ad valorem.* |
| Lace, woollen | 15 per cent. *ad valorem.* | 10 per cent. *ad valorem.* |
| List shoes | 10 per cent. *ad valorem.* | |
| Articles not enumerated | 15 per cent. *ad valorem.* | 10 per cent. *ad valorem.* |
| Cloth list of all kinds, in pieces or not | Free. | |
| Ready-made clothes:— | | |
| New | 15 per cent. *ad valorem.* | 10 per cent. *ad valorem.* |
| Old | 20 00 per 100 kil. | |
| Yarns and tissues of Alpaca, Llama, or Vicuna, pure or mixed with wool, will pay the same duties as yarns and tissues of wool in whatever proportions they may be mixed. | | |
| Yarns and tissues of wool, or of other materials above-mentioned, mixed with cotton, or with any other filaments whatever, shall pay the same duties as yarns and tissues of pure wool, provided that the wool predominates in weight. | | |
| Yarns of goat's hair will continue to pay the duties at present in force. | | |
| Tissues of goat's hair, other than Indian cashmere shawls and scarfs, will pay as tissues of pure wool. | | |
| **Silks:—** | | |
| Silk in cocoons | Free. | |
| Raw or thrown | Free. | |
| Dyed:— | | |
| For sewing, embroidery, or lace | 3 00 per kilog. | Free. |
| Others | Free. | |
| Waste silk:— | | |
| In mass | Free. | |
| Combed | 0 10 per kilog. | |
| In thread, single and twisted, unbleached, bleached, blued or dyed:— | | |
| Of 80,000 mètres single, or less, to the kilogramme | 0 75 „ | |
| Of 81,000 mètres single, or more, to the kilogramme | 1 20 „ | |

| Dénomination des Articles. | Taux des Droits en 1860. | Taux des Droits en 1864. |
|---|---|---|
| Broderies à la main | 10 pour cent de la valeur. | |
| Dentelles et blondes de coton | 5 pour cent de la valeur. | |
| Les fils et tissus de coton mélangés paieront les mêmes droits que les fils et tissus de coton pur, pourvu que le coton domine en poids dans le mélange. | | |
| **Laine :—** | | |
| Laine, en masse, d'Australie, importée soit directement des lieux de production, soit des entrepôts du Royaume Uni, sous pavillon Français ou Britannique | Exempte. | |
| Laine teinte en masse | 25 00 pour 100 kilog. | |
| Laine peignée (teinte ou non) | 25 00 „ | |
| Fils de laine pure, simples, blanchis ou non, mesurant au kilogramme :— | | |
| De 1 à 30,000 mètres | 0 25 le kilog. | |
| De 31,000 à 40,000 „ | 0 35 „ | |
| De 41,000 à 50,000 „ | 0 45 „ | |
| De 51,000 à 60,000 „ | 0 55 „ | |
| De 61,000 à 70,000 „ | 0 65 „ | |
| De 71,000 à 80,000 „ | 0 75 „ | |
| De 81,000 à 90,000 „ | 0 85 „ | |
| De 91,000 à 100,000 „ | 0 95 „ | |
| De 101,000 et au-dessus | 1 00 „ | |
| Fils de laine, blanchis ou non, retors pour tissage | Le droit afférent aux fils de laine simples, augmenté de 50 pour cent. | |
| Fils de laine retors pour tapisseries | Le droit du fil simple doublé. | |
| Fils de laine simples ou retors, teints | Droit sur le fil non teint, augmenté de 0 25 par kilog. | |
| Tissus de laine pure | 15 pour cent de la valeur. | 10 pour cent de la valeur. |
| Feutres de toute sorte | | |
| Couvertures de laine pure | | |
| Tapis de toute espèce | 15 pour cent de la valeur. | |
| Bonneterie de laine pure | | |
| Passementerie de laine pure | 15 pour cent de la valeur. | 10 pour cent de la valeur. |
| Rubannerie de laine | | |
| Dentelles de laine | | |
| Chaussons de lisière | 10 pour cent de la valeur. | |
| Articles non dénommées | 15 pour cent. de la valeur. | 10 pour cent de la valeur. |
| Lisières de drap de toute espèce, entières ou coupées | Exemptes. | |
| Vêtements confectionnés :— | | |
| Neufs | 15 pour cent de la valeur. | 10 pour cent de la valeur. |
| Vieux | 20 00 les 100 kilog. | |
| Les fils et tissus d'Alpaca, de Lama, de Vigogne, purs ou mélangés de laine, suivront le même régime que les fils et tissus de laine, quelle que soit la proportion du mélange. | | |
| Les fils et tissus de laine ou des autres matières ci-dessus dénommées, mélangés de coton ou d'autres filaments quelconques, paieront les mêmes droits que les fils et tissus de laine pure, pourvu que la laine domine dans le mélange. | | |
| Les fils de poil de chèvre conserveront le régime qui leur est actuellement applicable. | | |
| Les tissus de poils de chèvre, autres que les châles et écharpes de Cachemire des Indes, suivront le régime des tissus de laine. | | |
| **Soies :—** | | |
| En cocons | Exemptes. | |
| Grèges et moulinées | Exemptes. | |
| Teintes :— | | |
| A coudre, à broder, et à dentelles | 3 00 le kilog. | Exemptes. |
| Autres | Exemptes. | |
| Bourre de soie :— | | |
| En masse | Exempte. | |
| Peignée | 0 10 le kilog. | |
| Filée, simple et retorse, écrue, blanche, azurée, teinte :— | | |
| De 80,000 mètres simples au kilogramme, et au-dessous | 0 75 „ | |
| De 81,000 mètres simples au kilogramme, et au-dessus | 1 20 „ | |

| Description of Articles. | Rate of Duty in 1860. | Rate of Duty in 1864. |
|---|---|---|
| | Fr. c. | |
| Tissues of pure silk .. .. .. .. | Free. | |
| Hosiery „ .. .. .. .. | | |
| Lace „ .. .. .. .. | | |
| Crapes, called English, unbleached, black, or coloured.. | 10 00 per kilog. | Free from 1866. |
| Net :— | | |
| Plain, unbleached .. .. .. .. | 20 00 „ | id. |
| Dressed .. .. .. .. .. | 15 per cent. *ad valorem.* | id. |
| Figured, unbleached, or dressed .. .. .. | 10 per cent. *ad valorem.* | Free from October 1, 1864. |
| Tissues of pure waste silk, of silk and of waste silk, unbleached, bleached, dyed, or printed .. .. | 2 00 per kilog. | |
| Tissues, haberdashery, and lace of silk or of waste silk :— | | |
| With fine gold or silver .. .. .. .. | 12 00 „ | |
| With semi-fine or false gold or silver .. .. | 3 50 „ | |
| Tissues of silk or of waste silk, mixed with other materials, in which the silk or waste silk predominates in weight .. .. .. .. .. | 3 00 „ | |
| Ribbons of silk or of waste silk :— | | |
| Of velvet .. .. .. .. .. | 5 00 „ | |
| Others .. .. .. .. .. | 8 00 „ | |
| Mixed with other materials, silk or waste silk predominating in weight .. .. .. .. | 10 per cent. *ad valorem.* | |
| **CHEMICAL PRODUCTS AND DYE STUFFS.** | | |
| Iodine .. .. .. .. .. .. | Free. | |
| Bromine .. .. .. .. .. .. | | |
| Acids :— | | |
| Sulphuric .. .. .. .. .. | | |
| Nitric .. .. .. .. .. .. | | |
| Tartaric .. .. .. .. .. | | |
| Benzoic .. .. .. .. .. | | |
| Boracic .. .. .. .. .. | | |
| Citric .. .. .. .. .. .. | | |
| Arsenic .. .. .. .. .. .. | | |
| Lemon Juice .. .. .. .. .. | | |
| Oxides :— | | |
| Of iron .. .. .. .. .. .. | | |
| „ zinc, grey .. .. .. .. .. | | |
| „ tin .. .. .. .. .. .. | | |
| „ uranium .. .. .. .. .. | | |
| „ copper .. .. .. .. .. | | |
| Zaffre and other combinations of cobalt .. .. .. | | |
| Sulphuret of arsenic .. .. .. .. .. | | |
| Chloride of potassium .. .. .. .. | | |
| Iodide of potassium .. .. .. .. .. | | |
| Salts of beetroot .. .. .. .. .. | | |
| Carbonates of potash .. .. .. .. .. | | |
| Nitrate of potash .. .. .. .. .. | | |
| Sulphate of potash .. .. .. .. .. | | |
| Tartrates of potash .. .. .. .. .. | | |
| Vegetable ashes, quick and lixiviated .. .. .. | | |
| Lees of wine .. .. .. .. .. .. | | |
| Borax, raw .. .. .. .. .. .. | | |
| Nitrate of soda .. .. .. .. .. | | |
| Kelp .. .. .. .. .. .. | | |
| Bone black .. .. .. .. .. .. | | |
| Bones, calcined, white .. .. .. .. .. | | |
| Phosphates, natural .. .. .. .. .. | | |
| Citrates of lime .. .. .. .. .. | | |
| Sulphate of magnesia .. .. .. .. .. | | |
| Carbonate of magnesia .. .. .. .. .. | | |
| Chloride of magnesium .. .. .. .. | | |
| Acetate of iron, liquid .. .. .. .. .. | | |
| Garancine .. .. .. .. .. .. | | |
| Sugar of milk .. .. .. .. .. | | |
| Albumen .. .. .. .. .. .. | | |
| Phosphorus, white .. .. .. .. | 40 00 per 100 kilog. | |
| Oxide of zinc (white of zinc) .. .. .. .. | 7 00 „ | |
| Oxides and carbonates of lead .. .. .. .. | 7 00 per 100 kilog. | 4 00 per 100 kilog. |
| Oleic acid .. .. .. .. .. .. | 5 00 per 100 kilog. | |
| Oxalic acid and oxalates of potash .. .. .. | 15 00 per 100 kilog. | 10 00 per 100 kilog. |

| Dénomination des Articles. | Taux des Droits en 1860. | Taux des Droits en 1864. |
|---|---|---|
| | Fr. c. | |
| Tissus de pure soie | Exempts. | |
| Bonneterie „ | | |
| Dentelles „ | | |
| Crêpes, façon d'Angleterre, écrus, noir, ou de couleur | 10 00 le kilog. | A partir de 1866 exempts. |
| Tulles :— | | |
| Unis, écrus | 20 00 „ | id. |
| Apprêtés | 15 pour cent de la valeur. | id. |
| Façonnés, écrus, ou apprêtés | 10 pour cent de la valeur. | A partir du 1 Octobre, 1864, exempts. |
| Tissus de bourre de soie pure, de soie et bourre de soie, écrus, blancs, teints, imprimés | 2 00 le kilog. | |
| Tissus, passementerie, et dentelles de soie, ou de bourre de soie :— | | |
| Avec or ou argent fin | 12 00 „ | |
| Avec or ou argent mi-fin ou faux | 3 50 „ | |
| Tissus de soie ou de bourre de soie mélangés, la soie ou la bourre de soie dominant en poids | 3 00 „ | |
| Rubans de soie ou de bourre de soie :— | | |
| De velours | 5 00 „ | |
| Autres | 8 00 „ | |
| Mélangés, la soie ou la bourre de soie dominant en poids | 10 pour cent de la valeur. | |
| **PRODUITS CHIMIQUES ET MATIERES TINCTORIALES.** | | |
| Iode | Exempts. | |
| Brôme | | |
| Acide :— | | |
| Sulfurique | | |
| Nitrique | | |
| Tartrique | | |
| Benzoïque | | |
| Borique | | |
| Citrique | | |
| Arsénieux | | |
| Jus de citron | | |
| Oxide :— | | |
| De fer | | |
| De zinc, gris | | |
| D'étain | | |
| D'urane | | |
| De cuivre | | |
| Safre, et autres composés du cobalt | | |
| Sulfures d'arsenic | | |
| Chlorure de potassium | | |
| Iodure de potassium | | |
| Salin de betteraves | | |
| Carbonates de potasse | | |
| Nitrate de potasse | | |
| Sulfate de potasse | | |
| Tartrates de potasse | | |
| Cendres végétales vives et lessivées | | |
| Lies de vin | | |
| Borax brut | | |
| Nitrate de soude | | |
| Soude de varech | | |
| Noir d'os | | |
| Os calcinés, blancs | | |
| Phosphates naturels | | |
| Citrates de chaux | | |
| Sulfate de magnésie | | |
| Carbonate de magnésie | | |
| Chlorure de magnésium | | |
| Acétate de fer liquide | | |
| Garancine | | |
| Sucre de lait | | |
| Albumine | | |
| Phosphore, blanc | 40 00 les 100 kilog. | |
| Oxide de zinc (blanc de zinc) | 7 00 „ | |
| Oxides et carbonates de plomb | 7 00 les 100 kilog. | 4 00 les 100 kilog. |
| Acide oléique | 5 00 les 100 kilog. | |
| do. oxalique et oxalates de potasse | 15 00 les 100 kilog. | 10 00 les 100 kilog. |

| Description of Articles. | Rate of Duty in 1860. | Rate of Duty in 1864. |
|---|---|---|
| | Fr. c. | |
| Yellow prussiate of potash | 20 00 per 100 kilog. | |
| Red prussiate of potash | 30 00 „ | |
| Extracts of dye woods :— | | |
| For blacks and violets | 20 00 „ | |
| For reds and yellows | 30 00 „ | |
| Turmeric, in powder | 5 00 „ | |
| Hydrochloric acid (muriatic acid) | 0 60 „ | |
| Caustic soda | 8 00 per 100 kilog. | 5 00 per 100 kilog. |
| Carbonate of soda (salt of soda) of all degrees | 4 50 „ | 3 00 „ |
| Artificial soda (raw) | 2 30 „ | 1 50 „ |
| Carbonate of soda, crystallised (crystals of soda) | 2 30 „ | 1 50 „ |
| Sulphate of soda and sulphite of soda | 1 20 „ | 1 00 „ |
| Sulphate of soda crystallised (Glauber's salts) | 1 00 „ | 0 70 „ |
| Bicarbonate of soda, and other salts of soda, not specified | 5 25 „ | 3 50 „ |
| Chloride of lime | 4 25 „ | 2 80 „ |
| Chlorate of potash | 38 60 „ | 25 75 „ |
| Soap, ordinary, and for perfumery | 6 00 per 100 kilog. | |
| Artificial ultramarine | 15 0 „ | |
| Red phosphorus | 10 per cent. *ad valorem.* | |
| Aluminium | | |
| Aluminate of soda | | |
| Chloride of aluminium | | |
| Chromates of potash | | |
| Chromates of lead | | |
| Colours not specified, dry, in paste and liquid | | |
| Stearic acid | | |
| Glue and gelatine | | |
| Varnish :— | | |
| Oil | | |
| Essential oil | | |
| Spirit of wine | | |
| Orchilla dyes of all kinds | 5 per cent. *ad valorem.* | |
| Chemicals not specified | | |

## GLASS AND CRYSTAL WARE.

| | | |
|---|---|---|
| Mirrors of less than 1 mètre square | 10 per cent. *ad valorem.* | |
| Plate-glass and mirrors :— | | |
| Unpolished | 1 50 per mètre square superficial. | |
| Silvered or polished | 4 00 „ | |
| Bottles of all shapes | 1 30 per 100 kilog. | |
| Window-glass, plain | 3 50 „ | |
| Glass, coloured, polished, or engraved, and for watches and optical purposes | 10 per cent. *ad valorem.* | |
| Glass-ware, and table glass, white or coloured | | |
| Vitrifications | | |
| Enamelled glass | | |
| Articles of glass not enumerated | | |
| Broken glass and cullet | Free. | |
| Rock crystal, rough or worked | Free. | |

N.B.—Rock crystal mounted will pay as jewellery.

## EARTHENWARE AND POTTERY.

COMMON WARE :—

| | | |
|---|---|---|
| Tiles of all kinds, bricks, and fire-bricks | Free. | |
| Gas-retorts, drainage pipes and others | Free. | |
| Crucibles of all sorts, including those of plumbago, or black-lead | | |
| Clay pipes | Free. | |
| Glazed or not, of all shapes | Free. | |
| id., with decorations in relief, of one or more colours, flat or hollow | 5 00 per 100 kilog. | |

| Dénomination des Articles. | Taux des Droits en 1860. | Taux des Droits en 1864. |
|---|---|---|
| | Fr. c. | |
| Prussiate jaune de potasse | 20 00 les 100 kilog. | |
| Prussiate rouge de potasse | 30 00 „ | |
| Extraits de bois de teinture :— | | |
| Pour les noirs et violets | 20 00 „ | |
| Pour les rouges et jaunes | 30 00 „ | |
| Curcuma, en poudre | 5 00 „ | |
| Acide hydrochlorique (acide muriatique) | 0 60 „ | |
| Soude caustique | 8 00 les 100 kilog. | 5 00 les 100 kilog. |
| Carbonate de soude (sel de soude) à tous degrés | 4 50 „ | 3 00 „ |
| Soude artificielle brute | 2 30 „ | 1 50 „ |
| Carbonate de soude, cristallisé (cristaux de soude) | 2 30 „ | 1 50 „ |
| Sulfate et sulfite de soude | 1 20 „ | 1 00 „ |
| Sulfate de soude cristallisé (sel de Glauber) | 1 00 „ | 0 70 „ |
| Bicarbonate de soude et autres sels de soude non dénommés | 5 25 „ | 3 50 „ |
| Chlorure de chaux | 4 25 „ | 2 80 „ |
| Chlorate de potasse | 38 60 „ | 25 75 „ |
| Savons ordinaires et de parfumerie | 6 00 les 100 kilog. | |
| Outremer | 15 00 „ | |
| Phosphore rouge | | |
| Aluminium | | |
| Aluminate de soude | | |
| Chlorure d'aluminium | | |
| Chromates de potasse | | |
| do. de plomb | | |
| Couleurs, non-dénommés, sèches, en pâte et liquides | 10 pour cent de la valeur. | |
| Acide stéarique | | |
| Colle forte et gélatine | | |
| Vernis :— | | |
| A l'huile | | |
| A l'essence | | |
| A l'esprit de vin | | |
| Orseilles de toute sorte | 5 pour cent de la valeur. | |
| Produits chimiques, non dénommés | | |
| **VERRERIE ET CRISTALLERIE.** | | |
| Miroirs ayant moins de 1 mètre carré | 10 pour cent de la valeur. | |
| Glaces :— | | |
| Brutes | 1 50 par mètre carré superficiel. | |
| Etamées ou polies | 4 00 „ | |
| Bouteilles de toutes formes | 1 30 les 100 kilog. | |
| Verres :— | | |
| A vitres | 3 50 „ | |
| De couleur, polis ou gravés | | |
| De montre et d'optique | | |
| Gobeletterie et cristaux, blancs et colorés | 10 pour cent de la valeur. | |
| Vitrifications | | |
| Emaux | | |
| Objets en verre non dénommés | | |
| Groisil et verre cassé | Exempt. | |
| Cristal de roche brut ou ouvré | „ | |
| N.B.—Le cristal monté sera taxé comme la bijouterie et l'orfévrerie. | | |
| **POTERIE.** | | |
| Poterie Grossière :— | | |
| Carreaux, briques et tuiles | Exempt. | |
| Cornues à gaz, tuyaux de drainage et autres, creusets de toute sorte, y compris ceux en graphite et plombagine | Exempt. | |
| Pipes en terre | Exempt. | |
| Vernissée ou non, de toutes formes | Exempt. | |
| id. avec décorations à reliefs, unicolores et multicolores, platerie et creux | 5 00 par 100 kilog. | |

| Description of Articles. | Rate of Duty in 1860. | Rate of Duty in 1864. |
|---|---|---|
| STONEWARE :— | | |
| Utensils and apparatus for the manufacture of chemical products | Free. | |
| Common of all sorts, flat and hollow, including bottles, flasks, household articles, kitchen utensils, &c. | 4 00 per 100 kilog. | |
| EARTHENWARE :— | | |
| With tin glaze-coloured paste, white glaze | Free. | |
| With coloured glaze, majolica, with varnish of more than one colour | 20 per cent. *ad valorem.* | 15 per cent. *ad valorem.* |
| Fine earthenware | 20 per cent. *ad valorem.* | 15 per cent. *ad valorem.* |
| Fine stoneware | 20 per cent. *ad valorem.* | 15 per cent. *ad valorem.* |
| Porcelain, white or decorated, of all kinds, Parian and biscuit (white) | 10 per cent. *ad valorem.* | |
| VARIOUS ARTICLES. | | |
| Artificial flowers | Free. | |
| Modes | Free. | |
| Mercery, all kinds | 10 per cent. *ad valorem.* | |
| Buttons, fine or common, other than haberdashery | 10 per cent. *ad valorem.* | |
| Brushes of all kinds | 10 per cent. *ad valorem.* | |
| Musical instruments and parts of instruments | 10 per cent. *ad valorem.* | |
| Pins of all kinds | 50 00 per 100 kilog. (from the 1st December, 1860.) | |
| India-rubber manufactures: — | | |
| Pure or mixed | 20 00 per 100 kilog. | |
| Applied upon tissues in pieces or upon other materials | 100 00 „ | |
| Made-up wearing apparel | 120 00 „ | |
| In elastic tissues of any dimensions | 200 00 „ | |
| Boots and shoes | 60 00 „ | |
| N.B.—Articles of gutta-percha pay the same duties as india-rubber. | | |
| Oil and floor-cloth :— | | |
| For packing | 5 00 „ | |
| „ furniture, hangings, and other purposes | 15 00 „ | |
| Sealing-wax | 30 00 „ | |
| Blacking of all kinds | 4 00 „ | |
| Ink, writing, drawing, and printing | 20 00 „ | |
| Cordage, cables, and fishing-nets | 20 00 „ | |
| Fish, fresh water :— | | |
| Fresh | Free. | |
| Prepared | 10 00 per 100 kilog. | |
| Fish, sea :— | | |
| Fresh, dry, salted, or smoked (except cod) | 10 00 „ | |
| Sauces and pickles | 25 00 „ | |
| Cheese, hard | 10 00 „ | |
| Beer | 2 frs. per hectolitre, in addition to the internal tax. | |
| Molasses :— | | |
| Containing less than 50 per cent. of saccharine matter | 11 00 per 100 kilog. | |
| Containing more than 50 „ | Same as raw sugar. | |
| Alcohol, per 100 degrees | 15 frs. per hectolitre, in addition to the internal tax. | |
| Slates :— | | |
| For roofing | 4 00 per 1000 | |
| In squares or slabs | 10 00 per 100 | |

| Dénomination des Articles. | Taux des Droits en 1860. | Taux des Droits en 1864. |
|---|---|---|
| POTERIE DE GRÈS ET FAYENCE :— | | |
| Ustensiles et appareils pour la fabrication des produits chimiques | Exempt. | |
| Commune de toute sorte, platerie et creux, comprenant la forme bouteille, les carafes, objets de ménage, ustensiles de cuisine, &c. | 4 00 pour 100 kilo. | |
| Stannifère, pâte colorée, glaçure blanche | Exempt. | |
| id. à glaçure colorée, majoliques, vernissée multicolore | 20 pour cent de la valeur. | 15 pour cent de la valeur. |
| Fayence fine | 20 pour cent de la valeur. | 15 pour cent de la valeur. |
| Grès fins | 20 pour cent de la valeur. | 15 pour cent de la valeur. |
| Porcelaines de toute sorte, blanche ou dorée, Parian et biscuit blanc | 10 pour cent de la valeur. | |
| ARTICLES DIVERS. | | |
| Fleurs artificielles | Exemptes. | |
| Objets de mode | Exempts. | |
| Mercerie de toute sorte | 10 pour cent de la valeur. | |
| Boutons fins ou communs, autres que de passementerie | 10 pour cent de la valeur. | |
| Brosserie de toute espèce | 10 pour cent de la valeur. | |
| Instruments de musique et pièces détachées d'instruments | 10 pour cent de la valeur. | |
| Epingles de toute sorte | 50 00 les 100 kilog. (à partir du 1er Décembre, 1860.) | |
| Caoutchouc ouvré :— | | |
| Pur ou mélangé | 20 00 les 100 kilog. | |
| Appliqué sur tissus en pièces ou d'autres matières | 100 00 „ | |
| Vêtements confectionnés | 120 00 „ | |
| En tissus élastiques, pièces de toute dimension | 200 00 „ | |
| Chaussures | 60 00 „ | |
| N.B.—Les ouvrages en gutta-percha suivront le même régime. | | |
| Toiles cirées :— | | |
| Pour emballage | 5 00 „ | |
| Pour ameublements, tentures ou autres usages | 15 00 „ | |
| Cire à cacheter | 30 00 „ | |
| Cirage de toute sorte | 4 00 „ | |
| Encre à écrire, dessiner, ou imprimer | 20 00 „ | |
| Cordes, cables, et filets de pêche | 20 00 „ | |
| Poisson d'eau douce :— | | |
| Frais | Exempt. | |
| Préparé | 10 00 les 100 kilog. | |
| Poisson de mer :— | | |
| Frais, sec, salé ou fumé, à l'exclusion de la morue | 10 00 „ | |
| Epices préparés (sauces) | 25 00 „ | |
| Fromages de pâte dure | 10 00 „ | |
| Bière | 2 francs par hectolitre, plus le droit de consommation. | |
| Mélasse :— | | |
| Contenant moins de 50 pour cent de richesse saccharine | 11 00 les 100 kilog. | |
| „ plus de 50 pour cent de richesse saccharine | Le droit sur le sucre brut. | |
| Alcool, par 100 degrés, en sus des droits de consommation | 15 00 par hectolitre. | |
| Ardoises :— | | |
| Pour toitures | 4 00 les 1,000 en nombre. | |
| En carreaux ou en tables | 10 00 les 100 en nombre. | |

Le

The present Tariff is approved, and annexed to the Convention concluded on the 16th November, 1860, between Great Britain and France.

*Paris, November* 16, 1860.

Le présent Tarif est approuvé pour être annexé à la Convention conclue le 16 Novembre, 1860, entre la Grande Bretagne et la France.

*Paris, le* 16 *Novembre,* 1860.

COWLEY.
RICH$^{D}$. COBDEN.
E. THOUVENEL.
F. ROUHER.

# FRANCE.

SECOND SUPPLEMENTARY CONVENTION to the Treaty of Commerce of January 23, 1860, between Her Majesty and the Emperor of the French.

*Signed at Paris, November* 16, 1860.

With a TARIFF thereto annexed.

*Presented to both Houses of Parliament by Command of Her Majesty.* 1861.

LONDON:
PRINTED BY HARRISON AND SONS.

# CONVENTION

BETWEEN

# HER MAJESTY

AND THE

# EMPEROR OF THE FRENCH,

ADDITIONAL TO THE

## CONVENTION OF SEPTEMBER 24, 1856,

RELATIVE TO

# COMMUNICATION BY POST.

*Signed at London, July* 2, 1861.

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*Presented to both Houses of Parliament by Command of Her Majesty.*
1861.

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LONDON:
PRINTED BY HARRISON AND SONS.

# Convention between Her Majesty and the Emperor of the French, additional to the Convention of September 24, 1856, relative to Communication by Post.

*Signed at London, July* 2, 1861.

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[*Ratifications exchanged at London, August* 2, 1861.]

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HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of the French, being desirous to facilitate the exchange of patterns of merchandize and of legal documents between the two countries, by means of the Posts of their respective dominions, have agreed to regulate this matter by a special Convention, and have named as their Plenipotentiaries for that purpose, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Lord John Russell, a Member of Her Britannic Majesty's Most Honourable Privy Council, a Member of the Parliament of the United Kingdom, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs; and the Right Honourable Edward John Lord Stanley of Alderley, a Peer of the United Kingdom, a Member of Her Britannic Majesty's Most Honourable Privy Council, Her Britannic Majesty's Postmaster-General;

And His Majesty the Emperor of the French, his Excellency the Count de Flahault de la Billarderie, General of Division, a Senator, Grand Cross of the Imperial Order of the Legion of Honour, &c., His Imperial Majesty's Ambassador Extraordinary to Her Britannic Majesty;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles:—

## ARTICLE I.

Patterns of no intrinsic value, photographs, commercial and legal documents, printed, engraved, or lithographed works, bearing either corrections or manual notes, and all other papers in manuscript, which

SA Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté l'Empereur des Français, désirant faciliter l'échange des échantillons de marchandises et des papiers d'affaires entre les deux pays par l'intermédiaire des Postes de leurs Etats respectifs, sont convenus de régler ce point par une Convention spéciale, et ont nommé pour leurs Plénipotentiaires á cet effet, savoir:

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, le Très Honorable Lord John Russell, Membre du Très Honorable Conseil Privé de Sa Majesté Britannique, Membre du Parlement du Royaume Uni, Principal Secrétaire d'Etat de Sa Majesté Britannique pour les Affaires Etrangères; et le Très Honorable Edward John Lord Stanley of Alderley, Pair du Royaume Uni, Membre du Très Honorable Conseil Privé de Sa Majesté Britannique, Maître Général des Postes de Sa Majesté Britannique;

Et Sa Majesté l'Empereur des Français, son Excellence le Comte de Flahault de la Billarderie, Général de Division, Sénateur, Grand-Croix de l'Ordre Impérial de la Légion d'Honneur, &c., Ambassadeur Extraordinaire de Sa Majesté Impériale près Sa Majesté Britannique;

Lesquels, après s'être communiqué réciproquement leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivants:—

## ARTICLE I.

Les échantillons sans valeur intrinsèque, les photographies, les papiers de commerce ou d'affaires, les ouvrages imprimés, gravés, lithographiés, ou autographiés, portant soit des corrections, soit des notes à la main, et

shall be forwarded, as well from France and Algeria to the United Kingdom of Great Britain and Ireland and to the Island of Malta, as from the United Kingdom of Great Britain and Ireland and from the Island of Malta to France and Algeria, shall enjoy, under the conditions mentioned in Article II following, the reductions of postage granted by Article XIX of the Convention of the 24th September, 1856, to printed papers bearing no manual mark.

tous autres papiers manuscrits, qui seront expédiés, tant de la France et de l'Algérie pour le Royaume Uni de la Grande Bretagne et d'Irlande et pour l'Ile de Malte, que du Royaume Uni de la Grande Bretagne et d'Irlande et de l'Ile de Malte pour la France et l'Algérie, jouiront, sous les conditions exprimées dans l'Article II ci-après, des modérations de taxe accordées par l'Article XIX de la Convention du 24 Septembre, 1856, aux imprimés ne portant aucun signe à la main.

ARTICLE II.

In order to enjoy the benefit of the stipulations of the preceding Article, the articles referred to in the said Article must be prepaid to destination; must be under bands or made up in such a manner that they may be easily examined in the Post Offices through which they shall be forwarded; and must not contain any letter, or note of the nature of a letter, or which could serve as such.

Such of the articles as do not fulfil the conditions fixed above, shall be considered as letters, and treated accordingly.

ARTICLE II.

Pour profiter du bénéfice des dispositions de l'Article précédent, les objets désignés dans le dit Article devront être affranchis jusqu'à destination; être placés sous bandes ou de manière à pouvoir être facilement examinés dans les Bureaux de Poste par l'intermédiaire desquels ils seront acheminés; et ne contenir aucune lettre ou note ayant le caractère d'une correspondance, ou pouvant en tenir lieu.

Ceux de ces objets qui ne rempliront pas les conditions ci-dessus fixées, seront considérés comme lettres et traités en conséquence.

ARTICLE III.

The present Convention, which shall be considered as additional to the Convention of the 24th September, 1856, shall be ratified; the ratifications shall be exchanged as soon as possible; and it shall be carried into execution from the day on which the respective General Post Offices of the Contracting Parties shall agree, by mutual consent, that the stipulations thereof shall take effect.

In witness whereof, the respective Plenipotentiaries have signed the present Convention, and have affixed thereto the seal of their arms.

Done in duplicate at London, the second day of July, in the year of our Lord one thousand eight hundred and sixty-one.

(L.S.) J. RUSSELL.
(L.S.) STANLEY OF ALDERLEY.
(L.S.) FLAHAULT.

ARTICLE III.

La présente Convention, qui sera considérée comme additionnelle à la Convention du 24 Septembre, 1856, sera ratifiée; les ratifications en seront échangées aussitôt que faire se pourra; et elle sera mise à exécution à partir du jour où les Directions-Générales des Postes des Parties Contractantes seront convenues, par un consentement mutuel, que les stipulations en devront avoir leur effet.

En foi de quoi les Plénipotentiaires respectifs ont signé la présente Convention, et y ont apposé le sceau de leurs armes.

Fait à Londres, en double original, le deuxième jour du mois de Juillet, de l'an de grâce mil huit cent soixante-un.

(L.S.) J. RUSSELL.
(L.S.) STANLEY OF ALDERLEY.
(L.S.) FLAHAULT.

# FRANCE.

CONVENTION between Her Majesty and the Emperor of the French, additional to the Convention of September 24, 1856, relative to Communication by Post.

*Signed at London, July* 2, 1861.

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*Presented to both Houses of Parliament by Command of Her Majesty.* 1861.

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LONDON:
PRINTED BY HARRISON AND SONS.

# CONVENTION

BETWEEN

# HER MAJESTY

AND THE

# EMPEROR OF THE FRENCH,

RELATIVE TO THE

# EMIGRATION OF LABOURERS FROM INDIA TO THE FRENCH COLONIES;

WITH AN

# ADDITIONAL ARTICLE THERETO ANNEXED.

*Signed at Paris, July* 1, 1861.

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*Presented to both Houses of Parliament by Command of Her Majesty.*
1861.

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LONDON:
PRINTED BY HARRISON AND SONS.

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# CONVENTION between Her Majesty and the Emperor of the French, relative to the Emigration of Labourers from India to the French Colonies; with an Additional Article thereto annexed.

*Signed at Paris, July* 1, 1861.

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[*Ratifications exchanged at Paris, July* 30, 1861.]

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HIS Majesty the Emperor of the French having made known, by a Declaration* dated this day (1st July, 1861) his resolution to put an end to the recruitment upon the coast of Africa of negro labourers by means of redemption; and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland desiring, in consequence, to facilitate the immigration of free labourers into the French Colonies, their said Majesties have resolved to conclude a Convention destined to regulate the recruitment of such labourers in the British territories in India. For this purpose they have named as their Plenipotentiaries:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Most Honourable Henry Richard Charles Earl Cowley, Her Majesty's Ambassador Extraordinary and Plenipotentiary to the Emperor of the French;

And His Majesty the Emperor of the French, M. Edouard Antoine Thouvenel, Senator, His Minister and Secretary of State for the Department of Foreign Affairs;

Who, after having communicated to each other their respective full powers, found in due form, have agreed upon the following Articles:—

## ARTICLE I.

The French Government shall be at liberty to recruit and engage labourers for the French Colonies in the Indian territories belonging to Great Britain, and to embark emigrants, being subjects of Her Britannic Majesty, either in British or French ports in India, under the conditions hereinafter stipulated.

SA Majesté l'Empereur des Français ayant fait connaître par une Déclaration* en date de ce jour (1er Juillet, 1861) sa volonté de mettre fin au recrutement sur la côte d'Afrique de travailleurs noirs par voie de rachat, et, en conséquence, Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande désirant faciliter l'immigration de travailleurs libres dans les Colonies Françaises, leurs dites Majestés ont résolu de conclure une Convention destinée à en régler le recrutement sur les territoires Britanniques dans l'Inde. A cet effet, elles ont nommé pour leurs Plénipotentiaires, savoir:—

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, le Très Honorable Henri Richard Charles Comte Cowley, Son Ambassadeur Extraordinaire et Plénipotentiaire près Sa Majesté l'Empereur des Français;

Et Sa Majesté l'Empereur des Français, M. Edouard Antoine Thouvenel, Sénateur, Son Ministre et Secrétaire d'Etat au Département des Affaires Etrangères;

Lesquels, après s'être communiqué leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivants:—

## ARTICLE I.

Le Gouvernement Français pourra recruter et engager pour les Colonies Françaises des travailleurs sur les territoires Indiens appartenant à la Grande Bretagne, et embarquer les émigrants sujets de Sa Majesté Britannique, soit dans les ports Britanniques, soit dans les ports Français de l'Inde, aux conditions ci-après stipulées.

* See page 9.

ARTICLE II.

The French Government shall intrust the direction of its operations in every centre of recruitment to an Agent chosen by itself.

Those Agents must be approved by the British Government.

Such approval is assimilated, with regard to the right of granting and withdrawal, to the exequatur given to Consular Agents.

ARTICLE III.

This recruitment shall be effected conformably to the regulations which now exist, or may hereafter be established, for the recruitment of labourers for British Colonies.

ARTICLE IV.

The French Agent shall, with regard to the operations of recruitment which are intrusted to him, enjoy for himself and for the persons whom he may employ, all the facilities and advantages afforded to the recruiting agents for British Colonies.

ARTICLE V.

The Government of Her Britannic Majesty shall appoint in those British ports where emigrants may be embarked, an Agent who shall be specially charged with the care of their interests.

In French ports the same duty with regard to Indian subjects of Her Britannic Majesty shall be confided to the British Consular Agent.

Under the term "Consular Agents," are comprised Consuls, Vice-Consuls, and all other commissioned Consular officers.

ARTICLE VI.

No emigrant shall be embarked unless the Agent described in the preceding Article shall have been enabled to satisfy himself either that the emigrant is not a British subject, or, if a British subject, that his engagement is voluntary, that he has a perfect knowledge of the nature of his contract, of the place of his destination, of the probable length of his voyage, and of the different advantages connected with his engagement.

ARTICLE VII.

The contracts of service, with the exception provided for by section 4 of Article IX, and by section 2 of Article X, shall be made in India, and shall either bind the emigrant to serve a person designated by name, or to serve a person to whom he shall be allotted by the proper authority, on his arrival in the Colony.

ARTICLE II.

Le Gouvernement Français confiera, dans chaque centre de recrutement, la direction des opérations à un Agent de son choix.

Ces Agents devront être agréés par le Gouvernement Britannique.

Cet agrément est assimilé, quant au droit de l'accorder et de le retirer, à l'exéquatur donné aux Agents Consulaires.

ARTICLE III.

Ce recrutement sera effectué conformément aux réglements existants, ou qui pourraient être établis, pour le recrutement des travailleurs à destination des Colonies Britanniques.

ARTICLE IV.

L'Agent Français jouira, relativement aux opérations de recrutement qui lui seront confiées, pour lui comme pour les personnes qu'il emploiera, de toutes les facilités et avantages accordés aux agents de recrutement pour les Colonies Britanniques.

ARTICLE V.

Le Gouvernement de Sa Majesté Britannique désignera dans les ports Britanniques où aura lieu l'embarquement des émigrants, un Agent qui sera spécialement chargé de leurs intérêts.

Le même soin sera confié, dans les ports Français, à l'Agent Consulaire Britannique à l'égard des Indiens sujets de Sa Majesté Britannique.

Sous le terme "Agents Consulaires" sont compris les Consuls, Vice-Consuls, et tous autres officiers Consulaires commissionnés.

ARTICLE VI.

Aucun émigrant ne pourra être embarqué sans que les Agents désignés dans l'Article précédent aient été mis à même de s'assurer ou que l'émigrant n'est pas sujet Britannique, ou, s'il est sujet Britannique, qu'il s'est librement engagé, qu'il a une connaissance parfaite du contrat qu'il a passé, du lieu de sa destination, de la durée probable de son voyage, et des divers avantages attachés à son engagement.

ARTICLE VII.

Les contrats de service devront, sauf l'exception prévue au § 4 de l'Article IX, et au § 2 de l'Article X, être passés dans l'Inde, et contenir pour l'émigrant l'obligation de servir soit une personne nommément désignée, soit toute personne à laquelle il sera confié par l'autorité, à son arrivée dans la Colonie.

ARTICLE VIII.

The contracts shall, moreover, make stipulation for :—

1. The duration of the engagement, at the expiration of which the emigrant shall receive a return-passage to India at the expense of the French Government, and the terms on which it will be competent to him to renounce his right to a free return-passage.

2. The number of days and hours of work.

3. The wages and rations, as well as the rate of payment for extra work, and all the advantages promised to the emigrant.

4. Gratuitous medical treatment for the emigrant, except in cases where, in the opinion of the proper Government officer, his illness shall have arisen from his own misconduct.

In every contract of engagement there shall be inserted an exact copy of Articles IX, X, XX, and XXI, of the present Convention.

ARTICLE VIII.

Les contrats devront, en outre, stipuler :—

1. La durée de l'engagement, à l'expiration duquel le rapatriement reste à la charge de l'Administration Française, et les conditions auxquelles l'émigrant pourra renoncer à son droit de rapatriement gratuit ;

2. Le nombre des jours et des heures de travail ;

3. Les gages et les rations, ainsi que les salaires pour tout travail extraordinaire, et tous les avantages promis à l'émigrant ;

4. L'assistance médicale gratuite pour l'émigrant, excepté pour le cas où, dans l'opinion de l'Agent de l'Administration, sa maladie serait le résultat de son inconduite.

Tout contrat d'engagement portera copie textuelle des Articles IX, X, XX, et XXI, de la présente Convention.

ARTICLE IX.

1. The duration of the immigrant's engagement shall not be more than five years. In case, however, he shall be duly proved to have absented himself from work, he shall be bound to serve a number of days equal to the time of his absence.

2. At the expiration of that period, every Indian who shall have attained the age of ten years at the time of his departure from India shall be entitled to a return-passage at the expense of the French Government.

3. If he can show that his conduct has been regular, and that he has the means of subsistence, he may be allowed to reside in the Colony without any engagement ; but from that time he will lose his right to a free return-passage.

4. If he consents to contract a new engagement, he will be entitled to a bounty, and will retain his right to a return-passage at the expiration of such second engagement.

The right of the immigrant to a return-passage extends to his wife, and to his children who quitted India under the age of ten years, as well as to those born in the Colonies.

ARTICLE IX.

1. La durée de l'engagement d'un immigrant ne pourra être de plus de cinq années. Toutefois, en cas d'interruption volontaire du travail, régulièrement constatée, l'immigrant devra un nombre de jours égal à celui de la durée de l'interruption.

2. A l'expiration de ce terme, tout Indien qui aura atteint l'âge de dix ans au moment de son départ de l'Inde, aura droit à son rapatriement aux frais de l'Administration Française.

3. S'il justifie d'une conduite régulière et de moyens d'existence, il pourra être admis à résider dans la Colonie sans engagement ; mais il perdra, dès ce moment, tout droit au rapatriement gratuit.

4. S'il consent à contracter un nouvel engagement, il aura droit à une prime, et conservera le droit au rapatriement à l'expiration de ce second engagement.

Le droit de l'immigrant au rapatriement s'étend à sa femme, et à ses enfants ayant quitté l'Inde âgés de moins de dix ans, et à ceux qui sont nés dans les Colonies.

ARTICLE X.

The immigrant shall not be bound to work more than six days in seven, nor more than nine hours and a-half a day.

The conditions of task-work, and every other kind of regulation for work, shall be freely arranged with the labourer. The obligation to provide, on holidays, for the

ARTICLE X.

L'immigrant ne pourra être tenu de travailler plus de six jours sur sept, ni plus de neuf heures et demie par jour.

Les conditions du travail à la tâche, et tout autre mode de réglement de travail, devront être librement débattus avec l'engage. N'est pas considérée comme travail

care of animals and the necessities of daily life, shall not be considered as work.

ARTICLE XI.

In British ports, the arrangements which precede the departure of the emigrants shall be conformable to those prescribed by the Regulations for the British Colonies.

In French ports, the Emigration Agent, or his deputies, shall, on the departure of every emigrant ship, deliver to the British Consular Agent a nominal list of the emigrants who are subjects of Her Britannic Majesty, with a description of their persons, and shall also communicate to him the contracts of which he may require copies. In such case, only one copy shall be given of all contracts of which the provisions are identical.

ARTICLE XII.

In the ports of embarkation, the emigrants who are subjects of Her Britannic Majesty shall be at liberty, conforming to the regulations of police relative to such establishments, to leave the depôts, or other place in which they may be lodged, in order to communicate with the British Agents, who, on their part, may, at any reasonable hour, visit the places in which the emigrants, subjects of Her Britannic Majesty, are collected or lodged.

ARTICLE XIII.

Emigrants may leave India for the Colonies to the east of the Cape of Good Hope at all times of the year.

For other Colonies they may leave only from the 1st of August to the 15th of March. This arrangement applies only to sailing-vessels; vessels using steam-power may leave at any time of the year.

Every emigrant sailing from India for the Antilles between the 1st of March and the 15th of September shall receive at least one double blanket over and above the clothing usually allowed to him, and may make use of it so long as the vessel is outside of the tropics.

ARTICLE XIV.

Every emigrant-vessel must carry a European surgeon and an interpreter.

The captains of emigrant-vessels shall be bound to take charge of any dispatch which may be delivered to them by the British Agent at the port of embarkation for the

l'obligation de pourvoir les jours fériés aux soins que nécessitent les animaux, et aux besoins de la vie habituelle.

ARTICLE XI.

Dans les ports Britanniques les dispositions qui précèdent le départ des émigrants seront conformes à celles prescrites par les réglements pour les Colonies Britanniques.

Dans les ports Français l'Agent d'Emigration ou ses délégués remettront aux Agents Consulaires Britanniques, au départ de tout navire d'émigrants, la liste nominative des émigrants sujets de Sa Majesté Britannique, avec les indications signalétiques, et leur communiqueront les contrats dont ils pourront demander copie. Dans ce cas, il ne leur sera donné qu'une seule copie pour tous les contrats identiques.

ARTICLE XII.

Dans les ports d'embarquement les émigrants sujets de Sa Majesté Britannique seront libres de sortir, en se conformant aux réglements de police relatifs à ces établissements, des dépôts ou de tout endroit où ils seraient logés, pour communiquer avec les Agents Britanniques, lesquels pourront, de leur côté, visiter à toute heure convenable, les lieux où se trouveraient réunis ou logés les émigrants sujets de Sa Majesté Britannique.

ARTICLE XIII.

Le départ des émigrants de l'Inde pour les Colonies à l'est du Cap de Bonne Espérance pourra avoir lieu à toutes les époques de l'année.

Pour les autres Colonies les départs ne pourront s'effectuer que du 1er Août au 15 Mars. Cette disposition n'est applicable qu'aux bâtiments à voiles; les départs pourront avoir lieu toute l'année par des bâtiments munis d'un moteur à vapeur.

Tout émigrant partant de l'Inde pour les Antilles entre le 1er Mars et le 15 Septembre recevra au moins une couverture de laine double (en sus des vêtements qui lui sont ordinairement attribués), et pourra s'en servir aussi longtemps que le navire sera en dehors des tropiques.

ARTICLE XIV.

Tout navire transportant des émigrants devra avoir à son bord un chirurgien Européen et un interprète.

Les capitaines des navires portant des émigrants seront tenus de se charger de toute dépêche qui leur serait remise par l'Agent Britannique au port d'embarque-

British Consular Agent at the port of destination, and to deliver it to the Colonial Government immediately after his arrival.

ARTICLE XV.

In every vessel employed for the conveyance of emigrants, subjects of Her Britannic Majesty, the emigrants shall occupy either between decks, or in cabins on the upper deck, firmly secured and entirely covered in, a space devoted to their exclusive use. Such cabins and space between decks shall in every part have a height of not less than one mètre sixty-five centimètres French measure (1·65 m.), or five feet and a-half (5½ feet) English measure.

No compartment shall take more than one adult emigrant for every cubic space of two mètres (2 m.) French measure, or seventy-two feet (72 feet) English measure, in the Presidency of Bengal and at Chandernagore; and for every cubic space of one mètre seven hundred decimètres French measure, or sixty feet English measure, in other French ports, and in the Presidencies of Bombay and Madras.

An emigrant above the age of ten years shall count as an adult, and two children from one to ten years of age shall count as one adult.

A place shall be fitted up for a hospital in every emigrant ship.

Women and children shall occupy compartments of the vessel distinct and separate from those of the men.

ARTICLE XVI.

Each shipment of emigrants shall include a proportion of women, equal to at least one-fourth of the number of men. After the expiration of three years the numerical proportion of women shall be raised to one-third; after two years more it shall be raised to one-half; and, after a further period of two years, the proportion shall be the same as may be fixed for the British Colonies.

ARTICLE XVII.

The British Agents, at the embarkation, shall have, at all reasonable times, the right of access to every part of the ships which is appropriated to the use of emigrants.

ARTICLE XVIII.

The Governors of the French Establishments in India shall make such administrative regulations as may be necessary to insure the complete execution of the preceding stipulations.

ment pour l'Agent Consulaire Britannique au port de débarquement, et la remettront immédiatement après leur arrivée à l'Administration Coloniale.

ARTICLE XV.

Dans tout navire affecté au transport des émigrants sujets de Sa Majesté Britannique, les émigrants occuperont soit dans les entreponts, soit dans des cabines construites sur le pont supérieur, solidement établies et parfaitement couvertes, un espace qui sera attribué à leur usage exclusif. Ces cabines et entreponts devront avoir partout une hauteur qui ne sera pas moindre, en mesures Françaises, de un mètre soixante-cinq centimètres (1·65 m.), en mesures Anglaises de cinq pieds et demi (5½ p.)

Chacun des logements ne pourra recevoir plus d'un émigrant adulte par espace cubique de deux mètres (2 m.), soit en mesures Anglaises soixante-douze pieds (72 p.), dans la Présidence du Bengale et à Chandernagor; et de un mètre sept cent décimètres (soit en mesures Anglaises soixante pieds), dans les autres ports Français, et dans les Présidences de Bombay et de Madras.

Un émigrant âgé de plus de dix ans comptera pour un émigrant adulte, et deux enfants âgés de un à dix ans compteront pour un émigrant adulte.

Un local devant servir d'hôpital sera installé sur tout navire destiné à transporter des émigrants.

Les femmes et les enfants devront occuper des postes distincts et séparés de ceux des hommes.

ARTICLE XVI.

Chaque contingent devra comprendre un nombre de femmes égal au moins au quart de celui des hommes. A l'expiration de trois ans la proportion numérique des femmes sera portée à un tiers; deux ans plus tard à la moitié; et deux ans après, la proportion sera fixée telle qu'elle existera pour les Colonies Britanniques.

ARTICLE XVII.

Les Agents Britanniques à l'embarquement auront, à tout moment convenable, le droit d'accès dans toutes les parties des navires attribuées aux émigrants.

ARTICLE XVIII.

Les Gouverneurs des Etablissements Français dans l'Inde rendront les réglements d'administration nécessaires pour assurer l'entière exécution des clauses ci-dessus stipulées.

ARTICLE XIX.

On the arrival of an emigrant-ship in any French Colony, the Government shall cause to be transmitted to the British Consular Agent any dispatches which it may have received for him, together with—

1. A nominal list of all labourers disembarked, who are subjects of Her Britannic Majesty;

2. A list of the deaths or births which may have taken place during the voyage.

The Colonial Government shall take the necessary measures to enable the British Consular Agent to communicate with the emigrants before their distribution in the Colony.

A copy of the list of distribution shall be delivered to the Consular Agent.

He shall be informed of all deaths and births which may occur during the period of engagement, as well as of all changes of employer, and of all departures on a return passage.

Every fresh engagement, or act of renunciation of the right to a free return passage, shall be communicated to the Consular Agent.

ARTICLE XIX.

A l'arrivée dans une Colonie Française d'un navire d'émigrants, l'Administration fera remettre à l'Agent Consulaire Britannique, avec les dépêches qu'elle aurait reçues pour lui—

1. Un état nominatif des travailleurs débarqués, sujets de Sa Majesté Britannique;

2. Un état des décès ou des naissances qui auraient eu lieu pendant le voyage.

L'Administration Coloniale prendra les mesures nécessaires pour que l'Agent Consulaire Britannique puisse communiquer avec les émigrants avant leur distribution dans la Colonie.

Une copie de l'état de distribution sera remise à l'Agent Consulaire.

Il lui sera donné avis des décès et naissances qui pourraient survenir durant l'engagement, ainsi que des changements de maîtres, et des rapatriements.

Tout réengagement ou acte de renonciation au droit de rapatriement gratuit sera communiqué à l'Agent Consulaire.

ARTICLE XX.

All immigrants being subjects of Her Britannic Majesty shall, in the same manner as other subjects of the British Crown, and conformably to the ordinary rules of international law, enjoy in the French Colonies the right of claiming the assistance of the British Consular Agents; and no obstacle shall be opposed to the labourer's resorting to the Consular Agent and communicating with him; without prejudice, however, to the obligations arising out of his engagement.

ARTICLE XX.

Les immigrants sujets de Sa Majesté Britannique jouiront dans les Colonies Françaises de la faculté d'invoquer l'assistance des Agents Consulaires Britanniques au même titre que tous les autres sujets relevant de la Couronne Britannique, et conformément aux régles ordinaires du droit international; et il ne sera apporté aucun obstacle à ce que l'engagé puisse se rendre chez l'Agent Consulaire et entrer en rapport avec lui; le tout sans préjudice, bien entendu, des obligations résultant de l'engagement.

ARTICLE XXI.

In the distribution of labourers no husband shall be separated from his wife, nor any father or mother from their children under fifteen years of age. No labourer shall be required to change his employer without his own consent, unless he be transferred to the Government, or to the person who has acquired the property on which he is employed.

Immigrants who may become permanently incapable of work, either by sickness or by any other cause beyond their own control, shall be sent back at the expense of the French Government, whatever time may still be wanting to entitle them to a free return passage.

ARTICLE XXI.

Dans la répartition des travailleurs aucun mari ne sera séparé de sa femme, aucun père ni aucune mère de ses enfants âgés de moins de quinze ans. Aucun travailleur, sans son consentement, ne sera tenu de changer de maître, à moins d'être remis à l'Administration, ou à l'acquéreur de l'établissement dans lequel il est occupé.

Les immigrants qui deviendraient d'une manière permanente incapables de travail, soit par maladie, soit par d'autres causes involontaires, seront rapatriés aux frais du Gouvernement Français, quel que soit le temps de service qu'ils devraient encore pour avoir droit au rapatriement gratuit.

ARTICLE XXII.

All operations of immigration may be carried on in the French Colonies by French or British vessels without distinction.

British vessels which may engage in those operations shall be bound to conform to all the measures of police, health, and equipment which may apply to French vessels.

ARTICLE XXII.

Les opérations d'immigration pourront être effectuées dans les Colonies Françaises par des navires Français ou Britanniques indistinctement.

Les navires Britanniques qui se livreront à ces opérations devront se conformer à toutes les mesures de police, d'hygiène, et d'installation qui seraient imposées aux bâtiments Français.

ARTICLE XXIII.

The labour regulations of Martinique shall serve as the basis for all the regulations of the French Colonies into which Indian emigrants, subjects of Her Britannic Majesty, may be introduced.

The French Government engages not to introduce into those regulations any modification the result of which would be to place the said Indian subjects in an exceptional position, or to impose upon them conditions of labour more stringent than those prescribed by the said regulations.

ARTICLE XXIII.

Le réglement de travail de la Martinique servira de base à tous les réglements des Colonies Françaises dans lesquelles les émigrants Indiens, sujets de Sa Majesté Britannique, pourront être introduits.

Le Gouvernement Français s'engage à n'apporter à ce réglement aucune modification qui aurait pour conséquence ou de placer les dits sujets Indiens dans une position exceptionnelle, ou de leur imposer des conditions de travail plus dures que celles stipulées par le dit réglement.

ARTICLE XXIV.

The present Convention applies to emigration to the Colonies of Réunion, Martinique, Guadeloupe and its dependencies, and Guiana.

It may hereafter be applied to immigration to other Colonies in which British Consular Agents shall be established.

ARTICLE XXIV.

La présente Convention s'applique à l'émigration aux Colonies de la Réunion, de la Martinique, de la Guadeloupe et dépendances, et de la Guyane.

Elle pourra ultérieurement être appliquée à l'émigration pour d'autres Colonies dans lesquelles des Agents Consulaires Britanniques seraient institués.

ARTICLE XXV.

The provisions of the present Convention relative to the Indian subjects of Her Britannic Majesty shall apply to the natives of every Indian State which is under the protection or political control of Her said Majesty, or of which the Government shall have acknowledged the supremacy of the British Crown.

ARTICLE XXV.

Les dispositions de la présente Convention relatives aux Indiens sujets de Sa Majesté Britannique sont applicables aux natifs de tout Etat Indien placé sous la protection ou le contrôle politique de Sa dite Majesté, ou dont le Gouvernement aura reconnu la suprématie de la Couronne Britannique.

ARTICLE XXVI.

The present Convention shall begin to take effect on the 1st of July, 1862; its duration is fixed at three years and a-half. It shall remain in full force, if notice for its termination be not given in the course of the month of July of the third year, and then notice can be given only in the course of the month of July of each succeeding year.

In case of such notice being given, it shall cease eighteen months afterwards.

Nevertheless the Governor-General of British India in Council shall, in conformity with the Act of the 19th of September, 1856, relative to immigration to British Colonies, have the power to suspend at any

ARTICLE XXVI.

La présente Convention commencera à courir à partir du 1er Juillet, 1862; sa durée est fixée à trois ans et demi. Elle restera de plein droit en vigueur si elle n'est pas dénoncée dans le courant du mois de Juillet de la troisième année, et ne pourra plus être dénoncée que dans le courant du mois de Juillet de chacune des années suivantes.

Dans le cas de dénonciation, elle cessera dix-huit mois après.

Néanmoins, le Gouverneur-Général de l'Inde Britannique en son Conseil aura, conformément à l'Acte du 19 Septembre, 1856, relatif à l'immigration aux Colonies Britanniques, la faculté de suspendre, en tout

time emigration to any one or more of the French Colonies, in the event of his having reason to believe that in any such Colony proper measures have not been taken for the protection of the emigrants immediately upon their arrival or during their residence therein, or for their safe return to India, or to provide a return passage to India for any such emigrants at or about the time at which they are entitled to such return passage.

In case, however, the power thus reserved to the Governor-General of British India should at any time be exercised, the French Government shall have the right immediately to terminate the whole Convention, if they should think proper to do so.

But in the event of the determination of the present Convention, from whatever cause, the stipulations relative to Indian subjects of Her Britannic Majesty introduced into the French Colonies shall be maintained in force in favour of the said Indian subjects, until they shall either have been sent back to their own country, or have renounced their right to a return passage to India.

temps, l'émigration pour une ou plusieurs des Colonies Françaises, dans le cas où il aurait lieu de croire que dans cette ou ces Colonies les mesures convenables n'ont pas été prises, soit pour la protection des émigrants immédiatement à leur arrivée ou pendant la temps qu'ils y ont passé, soit pour leur retour en sûreté dans l'Inde, soit pour les pourvoir du passage de retour à l'époque à laquelle ils y ont droit.

Dans le cas, cependant, où il serait fait usage, à quelque moment que ce soit, de la faculté ainsi réservée au Gouverneur-Général de l'Inde Britannique, le Gouvernement Français aura le droit de mettre fin immédiatement à la Convention toute entière, s'il juge convenable d'agir ainsi.

Mais en cas de cessation de la présente Convention par quelque cause que ce soit, les stipulations qui sont relatives aux sujets Indiens de Sa Majesté Britannique introduits dans les Colonies Françaises resteront en vigueur pour les dits sujets Indiens jusqu'à ce qu'ils aient été rapatriés, ou qu'ils aient renoncé à leur droit à un passage de retour dans l'Inde.

ARTICLE XXVII.

The present Convention shall be ratified, and the ratifications shall be exchanged at Paris in four weeks, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Paris, the first day of July, in the year of our Lord one thousand eight hundred and sixty-one.

(L.S.) COWLEY.
(L.S.) THOUVENEL.

ARTICLE XXVII.

La présente Convention sera ratifiée, et les ratifications en seront échangées à Paris dans le délai de quatre semaines, ou plus tôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs l'ont signée, et y ont apposé le cachet de leurs armes.

Fait à Paris, le premier Juillet, de l'an de grace mil huit cent soixante-un.

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ADDITIONAL ARTICLE.

His Majesty the Emperor of the French having stated that, in consequence of the order which he gave long ago that no more African emigrants should be introduced into the Island of Réunion, that Colony has, since last year, had to obtain labourers from India and China ; and Her Britannic Majesty having, by a Convention signed on the 25th of July, 1860, between Her Majesty and His Majesty the Emperor of the French, authorized the Colony of Réunion to recruit six thousand labourers in her Indian possessions, it is agreed that the Convention of this date shall take effect forthwith, with regard to the said Colony of Réunion.

ARTICLE ADDITIONNEL.

Sa Majesté l'Empereur des Français ayant fait connaître que par suite de l'ordre qu'il a donné depuis longtemps de ne plus introduire d'émigrants Africains dans l'Ile de la Réunion, cette Colonie a dû, dès l'année dernière, chercher des travailleurs dans les Indes et en Chine ; et Sa Majesté Britannique, par une Convention signée le 25 Juillet, 1860, entre Sa Majesté et Sa Majesté l'Empereur des Français, ayant autorisé la Colonie de la Réunion à recruter six mille travailleurs dans ses possessions Indiennes, il est convenu que la Convention de ce jour sera applicable immédiatement à la dite Colonie de la Réunion.

The present Additional Article shall have the same force and validity as if it were inserted, word for word, in the Convention signed this day. It shall be ratified, and the ratifications shall be exchanged at the same time as those of the Convention.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Paris, the 1st of July, 1861.

(L.S.) COWLEY.
(L.S.) THOUVENEL.

Le présent Article Additionnel aura la même force et valeur que s'il était inséré, mot pour mot, dans la Convention signée aujourd'hui. Il sera ratifié, et les ratifications seront échangées en même temps que celles de la Convention.

En foi de quoi les Plénipotentiaires respectifs l'ont signé, et y ont apposé le cachet de leurs armes.

Fait à Paris, le 1er Juillet, 1861.

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*Note from M. Thouvenel to Earl Cowley.*

M. l'Ambassadeur, *Paris, le 1 Juillet*, 1861.

L'EMPEREUR a, comme vous le savez, par une Déclaration en date de ce jour, fait connaître sa volonté de mettre fin au recrutement de travailleurs noirs sur la côte d'Afrique par voie de rachat. J'ai pensé que votre Excellence désirerait pouvoir envoyer à son Gouvernement le texte même de la lettre écrite à ce sujet par Sa Majesté Impériale à M. le Ministre de la Marine et des Colonies, et j'ai en conséquence l'honneur de vous en communiquer ci-jointe une copie.

Agréez, &c.
(Signé) THOUVENEL.

(Translation.)

M. l'Ambassadeur, *Paris, July 1*, 1861.

THE Emperor has, as you are aware, by a Declaration dated this day, made known his will to put an end to the recruitment of negro labourers upon the coast of Africa by means of redemption. Your Excellency may probably desire to be able to send to your Government the very words of the letter written on this subject by His Imperial Majesty to the Minister of the Marine and the Colonies, and consequently I have the honour to communicate to you herewith a copy of it.

Accept, &c.
(Signed) THOUVENEL.

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Inclosure.

*The Emperor of the French to the Minister of Marine and of the Colonies.*

M. le Ministre, *Fontainebleau, le 1 Juillet*, 1861.

DEPUIS l'émancipation des esclaves, nos colonies ont cherché à se procurer des travailleurs sur les côtes d'Afrique, par voie de rachat et au moyen de contrats d'engagement qui assurent aux nègres un salaire pour le travail qu'ils exécutent. Ces engagements sont faits pour cinq ou sept années, après lesquelles les travailleurs sont gratuitement rapatriés, à moins qu'ils ne préfèrent se fixer dans la colonie, et, en ce cas, ils sont admis à y résider au même titre que les autres habitants.

Ce mode de recrutement, il faut le reconnaître, diffère complètement de la Traite; en effet, tandis que celle-ci avait pour origine et pour but l'esclavage, celui-là, au contraire, conduit à la liberté. Le nègre esclave, une fois engagé comme travailleur, est libre, et n'est tenu à d'autres obligations que celles qui résultent de son contrat.

Toutefois, des doutes se sont élevés quant aux conséquences que ces engagements peuvent avoir sur les populations Africaines. On s'est demandé si le prix de rachat ne constituait pas une prime à l'esclavage.

Déjà, en 1859, j'ai ordonné de faire cesser tout recrutement sur la côte Orientale d'Afrique, où il avait présenté des inconvénients; puis, j'ai prescrit de restreindre ces sortes d'opérations sur la côte Occidentale. Enfin, j'ai voulu qu'on examinât avec le plus grand soin toutes les questions que soulève l'émigration Africaine.

Aujourd'hui, je signe un Traité avec la Reine de la Grande Bretagne, par lequel Sa Majesté Britannique consent à autoriser dans les provinces de l'Inde soumises à sa couronne l'engagement de travailleurs pour nos colonies, aux mêmes conditions que celles observées pour les colonies Anglaises.

Nous devons donc trouver dans l'Inde, dans les possessions Françaises de l'Afrique, et dans les contrées où l'esclavage est proscrit, tous les travailleurs libres dont nous avons besoin. Dans de pareilles circonstances, je desire que le recrutement Africain, par voie de rachat, soit complètement abandonné par le commerce Français à partir du jour où le Traité conclu avec Sa Majesté Britannique commencera à recevoir son exécution, et pendant tout le temps de sa durée. Si ce Traité venait à cesser d'exister, ce ne serait qu'en vertu d'une autorisation expresse que ce recrutement, s'il était reconnu indispensable et sans inconvénient, pourrait être repris.

Vous voudrez donc bien prendre les mesures nécessaires pour que cette décision reçoive son effet à partir du 1er Juillet, 1862, et que l'introduction des nègres recrutés postérieurement à cette époque sur la côte d'Afrique soit interdite dans nos colonies.

Sur ce, &c.

(Signé) NAPOLEON.

Pour copie conforme.
Le Ministre Secrétaire d'Etat au Département
des Affaires Etrangères,
(Signé) THOUVENEL.

(Translation.)

M. le Ministre, *Fontainebleau, July* 1, 1861.

SINCE the emancipation of slaves, our Colonies have endeavoured to procure labourers upon the coast of Africa by way of redemption, and by means of contracts of engagement which assure to the negroes wages for the work which they perform. These engagements are made for five or seven years, after which the labourers are sent back gratuitously to their own country, unless they prefer to remain in the Colony; and in that case they are admitted to reside there on the same footing as other inhabitants.

This mode of recruitment, it must be acknowledged, differs completely from the Slave Trade; in fact, while the latter had slavery for its origin and end, the former, on the contrary, conducts to liberty. The negro slave once engaged as a labourer is free, and is bound to no other obligations than those which result from his contract.

Doubts have, however, arisen as to the consequences which such engagements may produce upon the natives of Africa. It has been asked whether the price of redemption does not constitute a premium upon slavery.

Already, in 1859, I ordered that all recruitment should cease upon the Eastern Coast of Africa, where it had occasioned inconvenience; afterwards I directed that that description of operations on the Western coast should be restricted; finally, I commanded that all the questions involved in African emigration should be examined with the greatest care.

I have this day signed a Treaty with the Queen of Great Britain, whereby Her Britannic Majesty consents to authorize the recruitment, in the provinces of India subject to her Crown, of labourers for our Colonies, on the same conditions as those observed for the English Colonies.

We must, therefore, find in India, in the French possessions in Africa, and in those countries where slavery is proscribed, all the free labourers we need. Under these circumstances, I desire that African recruitment by means of redemption be completely abandoned by French commerce, from the day when the Treaty concluded with Her Britannic Majesty shall begin to receive its execution, and during the whole period of its duration. If that Treaty should cease to exist, it would only be in virtue of an express authorization that such recruitment, if it were found indispensable and free from inconvenience, could be resumed.

You will, therefore, have the goodness to take the necessary measures that this decision may take effect from the 1st of July, 1862, and that the introduction of negroes recruited on the coast of Africa subsequently to that date be forbidden in our Colonies.

And so, &c.

(Signed) NAPOLEON.

A true copy.
The Minister Secretary of State for the Department
of Foreign Affairs,
(Signed) THOUVENEL.

# FRANCE.

CONVENTION between Her Majesty and the Emperor of the French, relative to Emigration of Labourers from India to the French Colonies.

With an ADDITIONAL ARTICLE thereto annexed.

*Signed at Paris, July* 1, 1861.

*Presented to both Houses of Parliament by Command of Her Majesty.* 1861.

LONDON:
PRINTED BY HARRISON AND SONS.

# CORRESPONDENCE

RESPECTING

# BRITISH CLAIMS ON MEXICO.

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*Presented to both Houses of Parliament by Command of Her Majesty.*
1861.

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LONDON:
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# Correspondence respecting British Claims on Mexico.

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## No. 1.

*Lord J. Russell to Mr. Mathew.*

(Extract.) *Foreign Office, August* 24, 1860.

IT might have been anticipated that the Government at Mexico, which has always professed a desire to be on friendly terms with Her Majesty's Government, would have endeavoured to cultivate friendly relations, and even for its own sake, if not moved by a regard for international law and comity, would have listened to the disinterested counsels of Her Majesty's Government, and would have respected the persons and property of Her Majesty's unoffending subjects.

Her Majesty's Government have been disappointed in that anticipation; the representations and remonstrances of Her Majesty's Government, more especially as regards the imposition of the tax upon capital, are entirely disregarded, and not a month passes but further outrages are committed upon British subjects, and further spoliations are perpetrated upon British property. I do not speak of the sufferings of the Mexicans themselves, or of the atrocities committed by various chieftains upon helpless women and children; such dark deeds affect the character of the whole nation, and must sooner or later bring their own retribution.

Her Majesty's Government have had, however, to consider whether it was fitting that they should continue to hold relations with a Government under which such things are tolerated, and Her Majesty's Government, after anxious consideration, have come to the conclusion that they shall best consult their own dignity, and the rights of British subjects, and, perhaps, even the interests of the Mexicans themselves, by withdrawing Her Majesty's Legation from the capital of the Republic.

In instructing you to take this step, Her Majesty's Government do not consider it desirable to direct you to proceed to Vera Cruz. Her Majesty's Government are above all things anxious to preserve a strict impartiality between the two contending factions. The Government of Señor Juarez, it is true, has not been so utterly regardless as has been that of General Miramon of the representations of Her Majesty's Government, but that result may be owing, in some measure, to the fact that at Vera Cruz a British squadron has been at hand to enforce redress as often as occasion has required, and, even with this restraint on their actions, the so-called Constitutional Party is not free, in the persons of some of its leaders, from many of the crimes which have sullied this page of Mexican history.

Her Majesty's Government will accordingly, for the present, keep aloof from both parties, and they will not consent to re-open relations with Mexico as a civilized Power, unless they see established either a Government possessed of some chance of stability, or a provisional arrangement which may appear likely to lead to such a result.

I have now to instruct you to address to the Government of General Miramon a note stating that, for the reasons set forth in this despatch, you have been directed to break off relations with that Government, and

to retire with the members of your Legation to Jalapa. Her Majesty's Consul will remain for the present at the capital, and you will notify this arrangement to the British community by a circular addressed to the principal members of it.

I have transmitted to the Lords Commissioners of the Admiralty a copy of this instruction, and I have requested that the captains of Her Majesty's cruizers on the coasts of Mexico may be apprised of it.

P.S.—The instruction that you should retire to Jalapa is, of course, subject to your opinion as to whether you can there obtain protection and security for Her Majesty's Mission.

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No. 2.

*Lord J. Russell to Mr. Mathew.*

Sir, *Foreign Office, October* 11, 1860.

HER Majesty's Consul at Vera Cruz has reported to me that, in consequence of the authorities of that city not being satisfied with that portion of the Custom-house revenue left at their disposal for carrying on the present civil war, it is their intention to make an application to Her Majesty's Government for permission to suspend for some months the payment of the assignments from the import duties at the Custom-house belonging to the English creditors; and I have to state to you that such a proposition would not for a moment be entertained by Her Majesty's Government, who will hold the authorities of Vera Cruz strictly to their agreement.

You will send an instruction to this effect to Her Majesty's Consul at Vera Cruz.

I am, &c.
(Signed) J. RUSSELL.

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No. 3.

*Mr. Mathew to Lord J. Russell.—(Received October* 29.)

(Extract.) *Mexico, September* 28, 1860.

I REGRET to have to communicate to your Lordship, for the second time within the year, the seizure of the conducta of silver proceeding from Guanaxuato and San Luis Potosi to Tampico for embarkation; in which various British subjects had money to the amount of between 80,000*l.* and 100,000*l.* sterling.

This shameful occurrence has been carried out with the subsequent sanction, though not by the previous order, of the Constitutional leader General Degollado, who assumed its entire responsibility in a published manifesto, of which I have the honour to inclose a copy; and nothing can more clearly pourtray the demoralised state of this Republic than thus to see a man whose personal character stood in the very highest scale among his fellow-countrymen, so blinded to the real nature and to the inevitable disgrace of such an action.

I have, however, reason to believe that the impunity enjoyed by General Marquez, and the non-payment of the amount of his robbery by this Government, were not without influence over Mexican ideas, in colouring over the infamy of this spoliation.

At the request of several of Her Majesty's subjects in this capital, I readily concurred in the very handsome offer of Mr. Consul Glennie to proceed personally with a letter from me to General Degollado at a place called Lagos; and I have much pleasure in inclosing a copy and translation of a communication addressed to me by Señor Empáran, Secretary of Foreign Affairs at Vera Cruz, conveying peremptory orders from Señor

Juarez to General Degollado for the restitution of the silver, and the strong expression of his reprobation of the reported act.

I have as yet received no account from Mr. Glennie, but I feel assured that, should his endeavours to obtain at least a partial restitution prove unsuccessful, supported as they are by the Constitutional President's commands, my demands at Vera Cruz, for full compensation and for the destitution and trial of General Degollado, will be complied with.

I feel that it is absolutely necessary, for the security of British residents and property in Mexico, that personal responsibility and the punishment of the offenders should be rigidly enforced.

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Inclosure 1 in No. 3.

*Extract from the "Echos Mexicains."*

Le Manifeste de M. Degollado.—La "Sociedad" a reproduit les pièces suivantes sur la saisie du convoi d'argent de l'intérieur :—

"Les documents qui se trouvent à la suite de cet exposé feront connaître au public un de ces actes dont la révélation seule est un châtiment terrible pour les hommes qui professent la religion sacrée de l'honneur.

"Lorsque, du haut de l'échafaud moral que dresse l'opinion pour y immoler un nom, on porte ses regards vers le passé et qu'on y aperçoit une vie obscure mais sans tache, un dévouement sans réserve à une cause sainte, dégagé de toute affection de famille, du soin de son repos, de ses intérêts et l'amour propre, enfin de tout ce que l'homme a de plus cher—et que, dans un moment, par un coup inattendu du sort on se trouve avoir perdu tout cela et rangé au nombre des malfaiteurs,—on souffre alors un supplice plus grand que le martyre: car dans le martyre la main de la gloire soutient l'âme contre les tourments.

"Les yeux fixés sur la cause que je défends, le cœur rempli d'espérance et de foi, je me relevais après chaque défaite comme une promesse de triomphe ; et mes plaintes ont été toujours un cri de combat et un appel au patriotisme.

"Tout le monde sent et proclame à grands cris, afin que l'écho de cette voix pénètre dans toutes les consciences, que dans la lutte acharnée qui nous dévore, les impuissances s'équilibrent, que les revers et les triomphes ne sont que des convulsions douloureuses qui brisent et épuisent le corps social sans mettre un terme à ses souffrances.

"Dans cette lutte qui commence au foyer domestique et éclate sur les champs de bataille, l'incendie consomme les campagnes, le pillage anéantit les fortunes, la haîne et l'extermination marquent par le nombre de leurs victimes le passage des troupes; et les passions de parti soulevées entraînent, dans leur démence, la nationalité dans un abîme d'opprobre, par des voies différentes—et cela aux applaudissements d'un grand nombre de personnes qui croient que l'anéantissement de notre existence politique ne serait après tout que l'effacement d'un anachronisme de barbarie dans un siècle de civilisation.

"D'après la loi inexorable des compensations, chacun des pas, chacun des attentats de nos ennemis a produit une réaction inévitable ; la trahison perçant dans un projet de protectorat, la politique continentale assumant le caractère réprouvable d'une protection, l'alliance des agioteurs avides avec un clergé prostitué, la haine contre les représentants de ces intrigues, l'or du culte employé à faire verser le sang, la justification des attentats contre la propriété. En présence de cette concurrence d'aberrations furieuses et insensées, il était nécessaire de sauver par un acte décisif la cause de la civilization, de l'indépendance, de l'humanité, et des droits sociaux.

"La victoire elle-même, qui nous avait été propice, allait être frappé de stérilité, faute de ressources, élément indispensable pour la féconder.

" La dispersion d'une armée de 20,000 hommes dans des provinces épuisés aurait transformé la guerre en insurrection anarchique et sanglante, détruit la discipline, l'unité d'action, l'autorité de la loi, et plongé le pays dans un chaos de sang, de désespoir et d'extermination ; et ce n'était pas là une crainte factice ; c'était une réalité que nous pouvions constater et qu'allait rendre plus formidable l'immense tentation provoquée par la présence des sommes du convoi.

" Qui peut tromper sa conscience ? Qui n'a pas réfléchi, dans ses conférences intimes avec Dieu et avec la postérité, sur l'importance d'un acte de cette nature ? J'avais tout donné à ma patrie. Je m'étais imposé la plus stricte parsimonie envers moi et envers les miens et ne gardais qu'un nom pur à léguer à mes enfants, dont quelques uns n'ont pu recevoir les bienfaits de l'éducation ; il m'a fallu renoncer jusqu'à la consolation d'assister aux derniers moments de l'un d'eux. Mais la nécessité est venue frapper à ma porte ; et elle m'a demandé mon nom à sacrifier à notre cause, et moi, après une horrible agonie, j'ai tué mon nom, je me suis fermé l'avenir et je me déclare justiciable de la loi.

" Dans cette lutte où dans la solitude de mon âme j'ai souffert la torture, je me demandais : n'est-ce donc rien que le nom de la patrie et l'honneur national ? La froide raison m'a répondu et me répète encore que l'honneur national aurait trop à souffrir de la prolongation d'une pareille guerre, que les conséquences en pèseraient sur les nationaux comme sur les étrangers, et qu'avec la perte de l'indépendance tout serait perdu.

" Un contraste douloureux se présentait aussi à mon esprit dans le souvenir de la conduite de Miramon envers Marquez, et la raison me répondait que ces pervers ont fait des biens de Dieu leur trésor, du clergé leur complice et un opulent banquier, et nous en serions, nous, réduits à ouvrir les veines du peuple pour lui demander son sang, et à nous abstenir du vol pour maintenir sa cause.

" Livré à ces débats intérieurs, plus implacables que le plus implacable bourreau, je répondais aux réclamations étrangères par l'assurance de faire payer les sommes saisies par le Gouvernement, si la fortune nous était favorable, et, peut-être, à l'époque même où la nouvelle s'en répandrait en Europe.

" Et entrainé par ces considérations j'ai offert mon nom en sacrifice et j'ai assumé sur moi une responsabilité que la généreuse résolution de M. Doblado de l'accepter toute entière m'aurait permis d'éluder. Par cet acte, dûssé-je être taxé d'ingratitude envers le Gouvernement qui m'a comblé d'honneurs, j'ai évidemment sauvegardé les intérêts de ceux-là même qui m'accuseront d'avoir attenté à leurs propriétés.

" Je n'ai pas voulu présenter une justification, ni éluder ma destinée, au moyen de subterfuges, ni même m'attirer les sympathies de ceux qui luttent ; je suis accoûtumé à entendre accuser d'obstination funeste mon dévouement à la cause que je sers, et à me voir imputer à crime l'insuccès de mes efforts, à tel point qu'il ne m'a pas été permis de mourir pour mon parti sur le champ de bataille.

" Mais, si condamné par l'opinion, repoussé par les miens, oublié de tous, je dois être cause que mon parti triomphe et que ma patrie se relève indépendante et heureuse, tous mes désirs auront été satisfaits.

(Signé) " SANTOS DEGOLLADO."

" (Confidentielle.)

" Je vous envoie deux communications de son Excellence M. le Général-en-chef de l'armée Fédérale ; l'une qui vous dit de vous placer sous mes ordres, l'autre qui vous charge de prendre le commandement d'un corps de troupes de celles qui se trouvent à San Luis Potosi.

" En vertu des facultés que me confère la première, j'ordonne à VS. de se mettre en marche demain même pour cette ville, et de saisir, conformément aux instructions que je vous ai données verbalement, le convoi d'argent qui de San Luis se dirige sur Tampico, ainsi que celui qui est sorti de Zacatecas avec la même destination.

" VS., en opérant la saisie, se guidera d'après le manifeste, ayant soin toutefois d'y comprendre les sommes confiées aux conducteurs et pour

lesquelles la formalité du manifeste n'aurait pas été remplie. VS. remettra pour la somme totale un reçu en forme légale aux trois conducteurs responsables, et leur donnera l'assurence, en mon nom, que j'avertis son Excellence le Général-en-chef, M. Santos Degollado, lequel adressera au Gouvernemeut Suprême de Vera Cruz les communications nécessaires afin que le remboursement aux trois propriétaires se fasse le plus promptement possible.

" VS. leur déclarera également de ma part, afin qu'ils en instruisent leurs commettants, que si j'ai pris cette détermination c'est que j'ai été forcé par les grands intérêts qui sont aujourd'hui en question ; car ne s'agit de rien moins que d'une question de vie ou de mort pour la République, et que je suis certain du remboursement. VS. à la tête des forces placées sous ses ordres, suivant toutes les précautions conseillées par la prudence, se dirigera par le chemin le plus court sur Lagos, où VS. me trouvera et où je lui donnerai d'autres ordres.

" VS. ne peut manquer de comprendre que cette mission difficile exige une discrétion inviolable et une fermeté à toute épreuve. VS. a prouvé qu'elle possédait ces deux qualités ; j'espère donc que VS. remplira cette mission d'une manière satisfaisante, et saura, par la sûreté de son jugement, faire face à toutes les éventualités imprévues.

" Je prie, &c.

" Dieu et Liberté !

" *Guanajuato, le 4 Septembre*, 1860.

(Signé) " MANUEL DOBLADO.

" A M. le Général Ignacio Echeagaray."

" *République Mexicaine. Armée Fédérale.*

" Général-en-chef, *Brigade de Guanajuato.*

Je transmets à votre Excellence la copie de l'ordre que j'ai adressé à M. le Général Ignacio Echeagaray, en date du 4 courant, conformément à l'autorisation pleine et entière que votre Excellence a bien voulu donner.

" La saisie des convois d'argent de San Luis, Zacatecas et Guanajuato est, à mon avis, le seul moyen de faire face aux frais énormes qu'exige en ce moment l'entretien de l'armée Fédérale. Je comprends tous les inconvénients, toutes les conséquences d'une détermination aussi grave. Mais je suis profondément convaincu qu'à moins de recourir à des mesures de ce genre, la révolution se prolongera indéfiniment, et le pays tout entier tombera dans un abîme de misère et d'anarchie, entrainant après lui la perte de notre nationalité.

" Dans la situation où se trouve aujourd'hui le parti libéral, nous devons choisir entre les deux extrêmes de ce terrible dilemne : ou perdre trois années de sacrifices sanglants, et cela lorsque nous en touchons le terme, ou mettre à profit toutes les ressources que nous avons sous la main, quelle qu'en suit la provenance. L'alternative est dure mais impérieuse.

" Il n'y a donc pas de terme moyen possible ; il faut ou laisser se débander les forces nombreuses dont nous disposons en ce moment, ou leur donner des moyens de subsistance, maintenir dans leurs rangs la moralité et la discipline, et les mettre en état de terminer promptement les opérations de la guerre.

" Dans toute l'étendue de la République, la réaction n'a plus que trois villes en son pouvoir. Un mois de campagne, et nous en serons maîtres. Perdrons-nous une position conquise à force de sang, pour ne pas disposer de sommes d'argent dont la remboursement est l'affaire de quelques jours ?

" J'ai pesé avec le recueillement qu'exige une affaire de cette importance toutes les raisons qui se présentaient pour et contre, et j'ai été conduit à ordonner la saisie des susdits capitaux, profondément convaincu que par là nous sauvons la révolution, et avec elle, la République.

" Si l'on calculait en chiffres les pertes que la prolongation de la guerre civile doit infliger au pays, on verrait que la somme saisie en cette

occasion est peu de chose, comparée aux sacrifices pécuniaires qui seraient imposés aux populations, si par malheur nous voyions durer encore quelques mois une guerre qui détruit, qui anéantit tout.

" Si malgré les considérations impérieuses que je viens d'indiquer, votre Excellence n'approuvait pas la mesure qui fait l'objet de la présente communication, j'espère que votre Excellence voudra bien me le faire savoir. Je me ferais alors un devoir, comme le plus soumis de vos subordonnés, de révoquer mes ordres et de faire remettre toutes choses en l'état où elles trouvaient avant la saisie.

" Je suis également disposé à me soumettre au jugement de votre Excellence pour avoir affronté la responsabilité d'une résolution d'un caractère très grave, il est vrai. mais dont les conséquences seront encore plus grandes en faveur d'une cause qui est la nôtre, parcequ'elle est celle de la nation.

" Dans le cas où mes actes seraient désapprouvés par votre Excellence, je la prie de ne pas oublier qu'après avoir mis à la disposition de ce quartier-général la totalité des revenus et des impôts extraordinaires de l'Etat de Guanajuato, l'autorisation que votre Excellence me donnait de me procurer des ressources pécuniaires ne pouvait s'appliquer qu'à l'argent du convoi, car il est de notoriété publique que toutes les autres ressources étaient épuisées. Votre Excellence voudra bien également prendre en considération que les besoins de l'armée étaient immenses et incessants, et que, encore une fois, il fallait absolument faire face à des nécessités impérieuses ou abdiquer toute autorité militaire, devenue illusoire dans les circonstances exceptionnelles où nous étions placés.

" Votre Excellence me permettra en terminant de faire une indication qui ne sera peut-être pas inutile. Dans l'Etat de Guanajuato, la valeur des propriétés du clergé déclarées biens nationaux, en vertu des lois publiées dernièrement, dépasse la somme de 3,000,000. Ces propriétés constituent, à mes yeux, une garantie sérieuse pour les propriétaires des fonds saisis, dont elles assurent le prompt et parfait remboursement. Je crois aussi que tous les habitants des Guanajuato verront avec plaisir employer ces capitaux au remboursement de l'argent saisi ; car tout le monde comprend qu'il n'importe pas moins que la pacification générale, objet des aspirations de tous les Mexicains.

" Je prie, &c.

" Dieu et Liberté !

" *Leon, le* 10 *Septembre*, 1860.

(Signé) " MANUEL DOBLADO.

" A son Excellence le Général-en-chef de l'Armée Fédérale,
M. Santos Degollado, Guanajuato."

" Excellence,

" J'ai pris connaissance de la note de votre Excellence en date d'hier, à laquelle était jointe la copie de l'ordre que votre Excellence a donné, le 4 courant, à M. le Général Ignacio Echeagaray de s'emparer des fonds du convoi de Guanajuato, Zacatecas, et San Luis Potosi, à destination du port de Tampico. J'approuve la conduite de votre Excellence, j'en assume toute la responsabilité, et j'exonère votre Excellence de celle qui pouvait résulter pour votre Excellence d'un acte aussi grave qu'exceptionnel.

" D'ailleurs votre Excellence pouvait se croire autorisée à prendre cette mesure, attendu les pouvoirs illimités que je lui avais déléguées ; et comme votre Excellence m'en a instruit assez tôt pour me permettre d'expédier l'ordre de rendre les sommes saisies, de manière à empêcher tout dommage, il est évident, d'après ces faits, que votre Excellence est dès ce moment à l'abri de tout reproche, et que c'est moi seul que le Gouvernement Suprême Constitutionnel aura le droit de blâmer et de mettre en accusation.

" En présence de l'indépendance nationale menacée d'une invasion Espagnole, de l'état désolé du pays et de sa ruine inévitable, des torrents de sang où la révolution est violemment entraînée ; en présence des considérations que votre Excellence appuie sur des raisons puissantes et d'une logique irrésistible, et enfin de la nécessité absolue, impérieuse, que nous avons de terminer tous ces maux par une paix solide et durable, un

Mexicain, une âme noblement dévouée à la patrie, comme l'est, je crois, la mienne, ne saurait hésiter.

"Je donne à votre Excellence l'assurance que je m'efforcerai, dans toute l'étendue des pouvoirs que j'ai reçus du Gouvernement Suprême, de satisfaire et de contenter les propriétaires des fonds saisis, de manière à éviter un conflit international. Si, dans le réglement amiable de cette affaire, il faut une victime pour apaiser la juste irritation des capitalistes, je suis prêt à descendre du faîte du pouvoir militaire, à me dépouiller du Commandement-en-chef d'une armée puissante et victorieuse, pour m'asseoir sur le banc des accusés et subir le sort des criminels. La postérité me rendra justice et recueillera le fruit de mon grand sacrifice.

"Je réitère, &c.

"Dieu et Liberté !

"*Quartier-Général à Leon, le* 12 *Septembre*, 1860.

(Signé) "SANTOS DEGOLLADO.

"A son Excellence M. le Général Manuel Doblado,
Commandant-en-chef le Corps d'Armée du Centre."

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Inclosure 2 in No. 3.

*Señor Emparan to Mr. Mathew.*

*Vera Cruz, Septiembre* 18 *de* 1860.

EL Infrascrito, &c., tiene la honra de dirigirse al Señor Don George B. Mathew, &c., para hacerle una súplica, por acuerdo del Excelentisimo Señor Presidente Interino Constitucional, en virtud de la confianza que inspiran la bondad y el interes de SS. por la seguridad del comercio.

Por un extraordinario llegado hoy de la ciudad de México ha sabido su Excelencia con el mas profundo desagrado, que una conducta de platas que iba del Estado de Guanajuato para Tampico ha sido ocupada ó detenida por fuerzas Constitucionales.

Y aunque todavia tiene su Excelencia la esperanza de que esa noticia sea falsa ó exagerada, como cree que solamente por la falta de recursos que sufran las fuerzas del interior, y por el buen deseo de hacer cesar de una vez la guerra civil, habrá podido cometerse ese acto inmoral, se ha servido disponer lo que el Caballero Mathew podrá ver, si se digna leer el adjunto pliego, por el Gobierno Constitucional en el acto que ha oido la especie indicada, al Señor General en gefe Don Santos Degollado.

La súplica de su Excelencia el Presidente al muy apreciable Señor Don George B. Mathew es, que SS. se sirva, si lo tiene á bien, dar direccion al citado pliego adjunto, para que pueda llegar á su destino con la seguridad y prontitud que de otro modo no podria conseguir este Gobierno.

Suplicando igualmente al Caballero Mathew que tenga la dignacion de excusar al mismo por esta libertad, el que suscribe, &c.

(Firmado) JOSE DE EMPARAN.

(Translation.)

*Vera Cruz, September* 18, 1860.

THE Undersigned, with the consent of his Excellency the Constitutional President, has the honour to ask a favour of Mr. Mathew, being induced to do so by the recollection of the interest which that gentleman takes in the security of commerce.

By a special messenger, who arrived to-day from Mexico, the President has learnt, with the greatest displeasure, of the seizure or detention of a "conducta" which was on its road from Guanajuato to Tampico, by the troops of the Constitutional Government.

Though his Excellency still trusts that the news may be either false or exaggerated (for he believes that nothing but the want of resources felt by the troops in the interior, and the desire of bringing the civil war at once to a close, could have sanctioned the commission of so unjustifiable

an act), yet he has been pleased to adopt the measures which are contained in the accompanying despatch, addressed by the Constitutional Government, directly they heard of what had taken place, to the Commander-in-chief of their forces, General Degollado, and which can be perused by Mr. Mathew.

The favour, then, which his Excellency the President asks of Mr. Mathew is, that he will, if he thinks fit to do so, be pleased to forward the despatch in question to its destination with that security and dispatch which are out of the reach of his Excellency's Government.

The Undersigned begs Mr. Mathew will be so good as to excuse the liberty he has taken, and has the honour, &c.

(Signed) JOSE DE EMPARAN.

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No. 4.

*Mr. Mathew to Lord J. Russell.—(Received October 29.)*

My Lord, *Mexico, September 29,* 1860.

SINCE closing my despatches, I have received a communication from Mr. Consul Glennie (copy inclosed), and am happy to state that the rapid steps I had taken and the energetic efforts of Mr. Glennie have so far been successful, that General Degollado has pledged himself to hand over to him in San Luis the sum of 400,000 dollars, being about the presumed amount of British property in the "conducta."

I cannot but regret sincerely that Mr. Glennie was unable to induce General Degollado to extend the same act of justice to other foreigners, and that his concession bears a personal aspect, for some jealousy must result from it.

Yet I cannot deny to Her Majesty's subjects the right of recovering their property, because others have not the same good fortune.

This repayment, if I apprehend it rightly, is made by General Degollado from the share of the plunder reserved by him for his own troops, which strengthens my opinion that he was persuaded by others to commit the discreditable action he did.

I have, &c.

(Signed) GEORGE B. MATHEW.

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Inclosure 1 in No. 4.

*Consul Glennie to Mr. Mathew.*

Sir, *Lagos, September 23,* 1860.

I HAVE the honour to inform you that immediately after my arrival at this city yesterday afternoon, I waited upon Don Santos Degollado, to whom I delivered your note, which he read with earnest attention. I then entered upon the subject of my mission, and finding that there was not the remotest chance of my obtaining any advantage for the owners generally of the funds placed in the "conducta," I fell back upon my official representation of the interests of Her Majesty's subjects therein, and demanded that their portion at least should be placed at my disposal.

Señor Degollado then entered upon a somewhat lengthy exposition of what he intended doing in the event of the success of his Guadalajara campaign; how all the money would be instantly returned, &c. But I informed his Excellency that it was utterly impossible for me to return to Mexico with bare promises, dependent upon a battle that might possibly result in his defeat; that the object of my mission was to obtain the final resolution of his Excellency with regard to the funds of Her Majesty's subjects in his possession, and that it was absolutely necessary that that resolution should be made known to Her Majesty's Representative before the departure of the packet.

Señor Degollado then told me he would let me know his resolution by

8 o'clock this morning. I accordingly waited upon his Excellency at the appointed time, and have now the honour to inclose herewith the answer he returns to your note, which he read to me, and by which you will learn that he will leave Lagos to-morrow morning for San Luis Potosi, with about 850,000 dollars, being the amount he still retains in his possession; that of that sum, he holds at my disposal 400,000 dollars, which he has solemnly promised to deliver to me at San Luis Potosi, where he also hopes to make a further considerable delivery of funds for account of other remittances, whose interests I shall make it my duty to advance whenever an opportunity may offer.

I demanded the round sum of 400,000 dollars, as the amount of British funds in the "conducta," because from the information which I had been able to obtain, it appears to me that the above sum will cover the amount of *bonâ fide* British property in the same, and I have engaged on my part to use my best endeavours to check any attempt that may be made to pass off any other funds as British property.

I have no time to enter into further particulars, as Mr. Buchanan, who will be the bearer of this letter, must start immediately for Guanajuato to secure the means of proceeding without loss of time to Mexico.

I have, &c.
(Signed) F. GLENNIE.

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Inclosure 2 in No. 4.

*Señor Degollado to Mr. Mathew.*

Muy Señor mio, *Lagos, Septiembre* 23 *de* 1860.

DOY á V. mil gracias por su estimable carta de 16 del corriente, y para acreditar á V. que agradesco y correspondo las simpatias que se ha servido mostrar por el partido liberal de Mexico. Me he comprometido con el Señor Glennie á entregarle en San Luis 400,000 pesos que calcula pertenecer á los negociantes súbditos de Su Majestad Británica. Supongo que dicho Señor Glennie escriberá á V. garantizandole este arreglo, pues él sigue para San Luis, donde voy á situar el Cuartel-General.

Como será un grave mal que se sapiese este arreglo, pues todo el prestigio y fuerza moral que me da la posesion de una fuerte suma quedarian nulificados, yo suplico á V. la mas completa reserva por algun tiempo dentro del pais.

El Señor Buchanan, portador de la presente, va encargado de decir á V. en mi nombre algunas cosas de interés.

Soy, &c.
(Firmado) S. DEGOLLADO.

(Translation.)

My dear Sir, *Lagos, September* 23, 1860.

I OFFER you my best thanks for your kind letter of the 16th instant, and assure you that I acknowledge and share in the sympathy you have shown for the Liberal party in Mexico. I have entered into a compromise with Mr. Glennie to deliver over to him in San Luis Potosi 400,000 dollars, a sum, according to his calculation, which will cover the funds belonging to British commerce. I presume Mr. Glennie will write to you and explain this arrangement, since he proceeds to San Luis, where it is my intention to establish my head-quarters.

As it would be a serious matter if this arrangement were known, as the prestige and moral force which I have gained by the possession of so large a sum would in such a case be lost, I beg you to keep it perfectly secret for some time.

Mr. Buchanan, the bearer of this letter, will in my name explain to you certain matters of interest.

I have, &c.
(Signed) S. DEGOLLADO.

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No. 5.

*Lord J. Russell to Mr. Mathew.*

(Extract.) *Foreign Office, October* 31, 1860.

I APPROVE of your prompt interference on the occasion of the plunder by Señor Degollado of a valuable convoy of specie on its way to the coast; and I trust that Señor Degollado will act up to his engagement at once to restore the money belonging to British subjects, and to relieve Captain Aldham from the necessity of requiring, in obedience to the instructions which he will receive from the Board of Admiralty, redress from the authorities at Vera Cruz for the wrong done to British subjects, and enforcing his demand if that redress is not promptly given.

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No. 6.

*Lord J. Russell to Mr. Mathew.*

Sir, *Foreign Office, October* 31, 1860.

I HAVE to acquaint you that Her Majesty's Government approve your refusal to recognize General Miramon as President of the Mexican Republic. This course is entirely consistent with the views expressed in my despatch of the 24th of August.

M. Murphy called upon me this morning, apparently with the hope of inducing me to authorize you to recognize General Miramon, by pointing out to me that unless you did so, that Government would not hold any communication with you.

I told M. Murphy that you had acted in strict accordance with the wishes of Her Majesty's Government, and that you would certainly not receive any directions to depart from the line of conduct which you had assumed towards the government of General Miramon.

I am, &c.

(Signed) J. RUSSELL.

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No. 7.

*Mr. Mathew to Lord J. Russell.—(Received December* 11.)

(Extract.) *Jalapa, October* 29, 1860.

I HAVE the honour to report to your Lordship my withdrawal from Mexico, in pursuance of your Lordship's commands, and my arrival at Jalapa.

On the 17th of October I addressed to Señor Lares, as instructed, a note embodying strictly from your Lordship's despatch the reasons which had compelled Her Majesty's Government to direct the withdrawal of the Legation, and adding solely the expression of my readiness to further at Jalapa, as in Mexico, any arrangement tending to the restoration of peace.

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No. 8.

*Lord J. Russell to Mr. Mathew.*

(Extract.) *Foreign Office, December* 29, 1860.

HER Majesty's Government approve of your having broken off your official intercourse with the Government of General Miramon, and of your having left the capital, where it was no longer possible for you to remain, consistently with the dignity of this country.

It appears, however, although I have as yet no official report from you on the subject, that shortly after your departure the Mexican Govern-

ment had recourse to a crowning act of violence and indignity, by breaking open a room in the house which you had occupied in Mexico, and in which was deposited, under the official seal of Her Majesty's Mission, a sum of 1,000,000 dollars, the property of the British bondholders, whose agent had reasonably supposed that, at all events, such a place would have been secure from any act of spoliation on the part of the Government authorities.

In the absence of any report from you on this subject, or of any distinct account of the extent to which the money was pillaged, I am unable to say more on the present occasion, than that Her Majesty's Government will expect to receive ample reparation from the Government of General Miramon, if it should remain in power, for so flagrant an act of robbery; and that if General Miramon's Government should be overthrown, Her Majesty's Government will feel themselves entitled to hold whatever Government may succeed it responsible for making good the losses sustained by British subjects in consequence of an outrage of so unusual a character committed by the *de facto* Government of the country.

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No. 9.

*Mr. Mathew to Lord J. Russell.*—(*Received January* 1, 1861.)

My Lord, *Jalapa, November* 29, 1860.

THE gradual progress of national demoralization and ruin, so greatly hastened by the last civil war organised by the Church party in this unfortunate country, inflicts upon me the painful duty of bringing to your Lordship's knowledge, by each successive mail, some more flagrant case of outrage upon life or property.

This utter disregard of individual rights, of justice, and of the international laws respected by the least civilized nations, appears to have now reached a climax, and to call imperatively for repression.

The inclosed copy of a despatch addressed to me by Mr. Robert Glennie, Her Majesty's Acting Consul in Mexico, will inform your Lordship in detail of the gross outrage committed by the orders of General Miramon and his Ministers, in entering by force the residence lately occupied by Her Majesty's Legation in that capital, and still, at the time, under lease to me, and seizing and carrying off from it 660,000 dollars, the property of the English bondholders, which I had placed (at the request of their agent) under the security of my official seal, and of a written declaration of the property, affixed upon the door of the room in that house.

Your Lordship will find from Mr. Glennie's statement, that the Spanish Ambassador was present, and protested against this monstrous act of violence, which was committed with every concomitant circumstance of scandal and insult, having in vain previously endeavoured personally to dissuade General Miramon from its committal.

I have the honour to inclose to your Lordship, copies of Señor Pacheco's letter to me, of his protest to Señor Lares (with translations), and of my reply, as well as of the communication addressed by M. Wagner, the Prussian Minister, to the same functionary.

The circumstantial nature of Mr. Glennie's despatch renders it unnecessary for me to do more than to call your Lordship's consideration to my reply to it, which will, I trust, meet your Lordship's approbation.

Since the fall of Guadalajura, General Miramon is in daily expectation of seeing the Constitutional forces before the gates of the city, and he doubtless determined to seize this money either for the maintenance of his army within the town, or for the personal wants of his Ministers and himself, in the event of their flight from the country; but I cannot but entertain the hope that Her Majesty's Government will insist on their future punishment wherever they can be reached, for it is evident, in the disorganised condition of Mexico, that a personal responsibility is imperative for the protection of Her Majesty's subjects among leaders who, on

both sides, are wholly reckless of the penalties they may bring upon their country, if they are personally safe.

I apprehend that General Miramon, his chief advisers, Messrs. Dias and Lares, and the infamous General Marquez, the assassin in cold blood of the unfortunate Dr. Duval, of Mr. Chase, and of every foreigner he has had in his power, are answerable for the present deed, which has furnished me with ample, but most unwelcome, corroboration of the opinion it has been my duty to lay before your Lordship, of General Miramon and the members of his Government.

I have, &c.

(Signed) GEORGE B. MATHEW.

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Inclosure 1 in No. 9.

*Acting Consul Glennie to Mr. Mathew.*

Sir, *Mexico, November* 21, 1860.

ON the morning of the 18th instant I dispatched an express to you, communicating in a private letter the seizure of the funds of the English bondholders by the Government of General Miramon, in the afternoon of the 17th; and I now propose to report to you the particulars of this unprecedented outrage and robbery.

About 4 o'clock P. M. of the 16th instant, I was called upon by Mr. Eustace Morphy, a clerk in the house of Messrs. J. J. Schmidt and Co., No. 11, Capuchinas-street, formerly the residence of Her Majesty's Legation, and requested to repair to that house immediately. Don Rafael Beraza, who was with me in Her Majesty's Consulate at the time, accompanied me thither. On arriving at No. 11, I was informed by Mr. William Davidson, salesman, and Mr. Charles Hoffmann, cashier, both clerks in said house of Messrs. J. J. Schmidt and Co., that General Lagarde, Chief of the Police, had presented himself there with an order, copy and translation of which are herewith inclosed, to search the warehouses for a deposit of arms said to exist therein. General Lagarde went through the warehouses, looked at the goods in a superficial manner, but opened no bales. At the lower end of the warehouse on the left-hand side of the courtyard, General Lagarde's attention seemed to be drawn to a closed door, on which is painted in large letters, "Legacion de S. M. B.;" there was a padlock on the door, and attached to the padlock by red tape, a piece of parchment bearing the seal of Her Majesty's Legation, and the signature, "George B. Mathew." General Lagarde examined the padlock and door closely; after which he placed an officer, Comandante Chavez, in said warehouse, giving him strict orders not to allow any one to approach that door, nor to approach it himself. Thereupon General Lagarde, having stated to Messrs. Davidson and Hoffmann that he was going to report the result of his search, retired, saying that he would return. This was the state of affairs when I arrived at No. 11.

A short time after, General Lagarde returned, but passed by No. 11, and proceeded to No. 10, where he searched the warehouses, and, I am informed, opened two bales.

On again presenting himself at No. 11, General Lagarde showed to Don Rafael Beraza and to me the order he had received to search for arms in the two houses Nos. 10 and 11, which order was signed by General Marquez. He then immediately proceeded to examine the wall that divides the inner part of the aforesaid closed room belonging to Her Majesty's Legation, from the room occupied by the porter of the Legation; and having done so, he placed another man in the lower part of the courtyard, in a position to observe the wall above mentioned, with strict orders not to permit any one to touch that wall.

I asked General Lagarde to let me take a copy of his order to search the house; he replied that he could not comply with my request before consulting (without mentioning with whom). I further asked him to remove the officer he had placed inside the warehouse, as the day was declining, and the usual time for closing the warehouses was approaching.

He answered that he would go to the palace to consult, and would return, whereupon he again retired.

An hour and a-half elapsed before General Lagarde returned, when he explained the cause of his delay by stating, that not having been able to find General Marquez, although he had looked for him in eight or nine different places, he at last went to the Minister for instructions, which he had received to the following effect, that is to say, that I might have a copy of General Marquez' order to search the warehouse; that the officer placed inside the warehouse to watch the closed door was to be stationed outside the door which opens from the courtyard into said warehouse; and that the man stationed in the lower part of the courtyard to watch the dividing wall referred to above, was to remain at his post.

It will not be out of place to mention here that whilst I was waiting at No. 11 for the return of General Lagarde, General Marquez himself walked up the street, passing by the door of the house.

Whilst Mr. Hoffmann was copying General Marquez's order to search the warehouses, I observed to General Lagarde that since he had complied with the order given him to search for the deposit of arms, and had not found any, he ought to be satisfied that none existed, and what could therefore be his object in taking possession of the house and leaving his men on watch in the courtyard? He replied that he was acting under superior orders. He showed me the note he had written to General Marquez, detailing the result of his investigations; the principal thing that fixed my attention, on reading the note, was the discovery of a closed door at the end of one of the warehouses. This note, he said, he had not delivered, as he had not been able to find General Marquez, adding that he was in the habit of demanding written orders from his superiors, and replying to them in writing, in order to cover his own responsibility. Having seen that his two guards were at their posts, and having asked permission for their suppers to be brought in to them, he retired.

About mid-day of the 17th instant I was sent for by Mr. Charles Whitehead, Agent of the English bondholders, who resides in the upper part of No. 11, Capuchinas-street, and on my arrival there he showed me an order he had received from General Marquez to deliver at once 200,000 dollars of the bondholders' funds to the Commissary-General, Don Francisco Montero, the bearer of the order, copy and translation of which I have the honour to inclose.

Mr. Whitehead and I, accompanied by Don Rafael Beraza, went immediately to call upon his Excellency the Spanish Ambassador, who offered, as head of the Diplomatic corps, to use his influence to protect British interests, by presenting himself at No. 11, in the event of force being resorted to in the extraction of the funds, and to protest against any violent proceedings of the Mexican Government.

At half-past 3 in the afternoon of the same day I was again sent for by Mr. Charles Whitehead, in consequence of his having received a fresh communication from General Marquez, which was handed to him by Colonel Don Antonio Jauregui.

On my arrival Mr. Whitehead presented Colonel Jauregui to me, as the Agent of the Government, and he, in his turn, presented to us the Notary Public, Don Simon Negreiros, and the corresponding witnesses, stating that they attended by order of Government to witness the proceedings and receive the declarations. On my inquiring the object of the visit, Colonel Jauregui referred me to Mr. Whitehead, with whom he had already spoken. Mr. Whitehead then stated that notwithstanding his verbal and written answer to General Marquez's first note, copy and translation of which answer is inclosed herewith, the Government of General Miramon had determined, if he refused to deliver up the money of the English bondholders, to resort to force and take the same. Mr. Whitehead, at the same time, handed to me the order to this effect, which General Marquez had sent to him through Colonel Jauregui, copy and translation of which I also have the honour to inclose.

On hearing this, and after reading General Marquez's order, I, as Her Majesty's Acting Consul, immediately protested, in the most formal and solemn manner, in the name of Her Majesty's Government, against

the proceedings of the Mexican authorities, explaining to all present the immense responsibility which would attach to any one who attempted to take forcible possession of a deposit which was covered by the seal of Her Majesty's Legation, and declaring that Her Majesty's Government would hold personally answerable all who should take part in such an outrage, from the highest, even to the President himself, to the very lowest subordinate, including those who signed the orders, as well as those who might attempt to enforce them.

Mr. Whitehead thereupon declared that he, as the Agent of the bondholders, repeated and ratified the protest I had delivered.

The above took place in the centre of the courtyard of the house. Colonel Jauregui having stated the protest might be received by the Notary Public, we entered Messrs. J. J. Schmidt & Co.'s office, when the said Protest was drawn up and signed by Mr. Whitehead and myself; and I inclose herewith a copy and translation of the same.

Whilst this was passing, and having repeated our positive refusal to comply in any way with General Marquez's order, Colonel Jauregui sent for a picket of soldiers, and Mr. Whitehead sent a request by Don Rafael Beraza, to his Excellency the Spanish Ambassador, begging that he would comply with his previous kind offer, by coming at once to the house.

At a quarter to 4 P.M. the lower part of the house, which had already been in possession of the police agents, under a pretext of searching for arms, since 4 P.M. of the previous day, was taken forcible possession of by an armed force.

At ten minutes after 4, his Excellency the Spanish Ambassador came, and in the name of his own Government, and as chief of the Diplomatic Corps, after in vain using his good offices with the Government to persuade them against their contemplated outrage, and explaining to the officer in command the vast amount of responsibility which he and his Government were incurring by such an act, protested publicly against any attempt to violate the seal of Her Britannic Majesty's Legation. Pointing to the soldiers drawn up in the yard, his Excellency further said that he had no means of opposing an armed force, and that having protested as he had, he left the authorities to act on their own responsibility.

On leaving the house his Excellency also promised that he would address a note on the subject to Señor Lares, the Minister for Foreign Affairs.

At half-past 4, three blacksmiths were brought to force the door, when I stood before it, and after explaining that the room was under the special protection of Her Majesty's Legation, was sacred, and that any person who dared to violate that sanctity, from the highest to the lowest, would be held responsible, pointing out to them, that although they might not break the seal itself in opening the door, the outrage would be the same, and it would be equally a violation of all law to effect a forcible entry in any manner; I again protested in the most formal and energetic manner, in the name of Her Majesty's Government.

Upon hearing this protest the workmen at first refused to execute Colonel Jauregui's orders, and were only compelled to commence their work of cutting off the padlock by a serjeant being brought up to their side.

At a quarter to 5 P.M. the padlock, with the Legation seal attached to it, was forced off; the staples which held it to the door having been cut through with cold chisels, when the door was left protected merely by the ordinary lock. Colonel Jauregui presented the padlock to Mr. Whitehead, but he declined touching it, and turned his head without making any observation. A carpenter was then brought in, and on my warning him of the responsibility he would incur by participating in this act of violence, the serjeant ordered him to proceed at once and break open the door, which he effected by cutting away, first a piece of the jamb, and afterwards, part of the inner side-wall, as the bolt of the lock, a patent, Chubb's, could not be forced back. It was 5 o'clock when the door was finally forced open, and the officers of General Miramon's Government took possession of the room, and the money therein contained.

Colonel Jauregui addressed Don Rafael Beraza first, and afterwards

me, requesting each individually to remain and take an account of the money about to be extracted. I told him that having witnessed the unpardonable outrage that had been perpetrated against Her Majesty's Government, and he having already taken forcible possession of the room, my presence there was no longer necessary. Whereupon I left the house, accompanied by most of the people who had been present, amongst whom were several of the principal British residents, the United States' Consul, Mr. Black, who had been requested to come, and various persons of other foreign nations. In the street in front of the house a crowd had collected during the afternoon.

On the morning of the 19th instant I received a letter from Messrs. J. J. Schmidt and Co., copy of which I have also the honour to inclose, requesting me to repair to their commercial house No. 11 Capuchinas Street. On arriving there Mr. Benjamin Barton, the resident partner of the firm J. J. Schmidt and Co., delivered to me the key of the warehouse through which the money seized by General Marquez's order of the previous 17th instant had been conveyed from the room in which it had been deposited in the courtyard, and requested me to open the said warehouse, which was immediately done, when I entered, accompanied by Mr. Benjamin Barton, Mr. Hoffmann and Mr. Davidson, his clerks, and some others.

On examining the room that had been forcibly taken possession of on the 17th instant, I found that nine boxes, which had contained altogether 500,000 dollars, as attested by Mr. Hoffmann, the cashier, had been forcibly broken open and the money taken away, as also the sum of 160,000 dollars, which had been piled in bags on the floor in the middle of the room, making a total of 660,000 dollars, which agrees with the amount taken by Colonel Jauregui, according to his note to Mr. Whitehead, copy and translation of which I have the honour to inclose herewith.

The padlock referred to above was found with the Legation seal attached to it in the same state in which I saw it, and in the same place in which Colonel Jauregui left it on the afternoon of the 17th instant, after he received it from the blacksmiths who broke it off. I brought away the padlock, and have deposited it in Her Majesty's Consulate.

I find in the official journal of the 20th instant that Colonel Don Antonio Jauregui is one of General Miramon's Aides-de-camp.

The foregoing is, I declare, a correct and true statement of the details of this unprecedented outrage committed against Her Majesty's Government.

I have, &c.
(Signed) G. R. GLENNIE.

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Inclosure 2 in No. 9.

*General Marquez to General Lagarde.*

*Cuartel-General en el Palacio Nacional de Mexico, á 16 de Noviembre de 1860.*

EL Excelentisimo Señor General-en-gefe del ejercito ha tenido noticia de que en las casas Numeros 10 y 11 de la Calle de Capuchinas existe un deposito de armas, y por lo mismo dispone su Excelencia que VS. proceda en el acto á registrar los almacenes de dichas casas, mandando que se obrán los cajones que VS. juzgue conveniente, y que se practiquen todos los demas actos necesarios para cerciorarse de la verdad.

Su Excelencia recomienda á VS. la mayor mesura, asi como que se les guarden á las personas que alli se encuentren, todas las consideraciones que merezcan.

Si VS. encontrase alguna puerta ú objeto cubierto con las armas de otra nacion, lo respetará, y de ningun modo procederá á tocarlo, vigilando solo que nadie lo verifique y dando cuenta en el momento al Excelentisimo Señor General-en-gefe, para que su Excelencia resuelva lo que á bien tuviere.

Dios y Ley.

(Firmado) L. MARQUEZ.

(Translation.)

*Head-Quarters in the National Palace, Mexico, November* 16, 1860.

HIS Excellency the General-in-chief of the Army has notice, that in the houses Nos. 10 and 11, Calle de Capuchinas, a deposit of arms exists; and therefore his Excellency directs that you immediately proceed to search the stores of the said houses, ordering the cases you may judge fit to be opened, and performing all other necessary acts, to assure yourself of the truth.

His Excellency recommends to you the greatest moderation; as also to observe towards the persons who may be there all the consideration they may deserve.

If you should find any door or object protected ("cubierto") with the arms of another nation, you will respect it, and in no way proceed to touch it, only watching that no one does so, and giving immediate notice to his Excellency the General-in-chief, in order that his Excellency may resolve what he may deem proper.

God and Law.

(Signed) L. MARQUEZ.

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Inclosure 3 in No. 9.

*General Marquez to Mr. Whitehead.*

*Cuartel-General en Mexico, Noviembre* 17 *de* 1860.

COME las cantidades pertenecientes á los fondos publicos que estan en poder de V, destinados al pago de los tenedores de bonos de la deuda esterior contraida en Londres, aun no estan entregados en pago definitivo, y en las actuales circunstancias pueden correr mucho riesgo, lo mismo que los demas cuantiosos intereses que encierra la capital, en el caso de una perturbacion de la tranquilidad publica, cuyo riesgo es inminente si no estan atendidas con sus haberes las fuerzas que conservan el orden en este ciudad, y come no puede hacerse esto oportunamente con los fondos disponibles, porque su recaudacion es lenta, el Excelentisimo Señor General-en-gefe de dichas fuerzas, en cumplimiento de su deber, y para salvar su responsabilidad por aquellos cuantiosos intereses, ha dispuesto ponga V. á disposicion de la Comisaria del Ejercito dichas sumas, en la inteligencia de que no se estraerá de los arcos en que se encuentren, sino las cantidades absolutamente precisos, y que para reintegrarlas hará dicha oficina poner á disposicion de V. las sumas que se colecten del prestamo acordado por el venerable clero y por los particulares para cubrir los haberes de esta guarnicion, y de que si algun deficiente hubiese á la salida de la primera conducta, se cubrirá con los derechos que causen los caudales que por ella se esporten.

Hoy se servirá V. enterar la suma de doscientos mil pesos, de que dará recibo el Señor Comisario-General.

Dios y Ley.

(Firmado) L. MARQUEZ.

(Translation.)

*Head-Quarters in Mexico, November* 17, 1860.

AS the moneys belonging to the public funds which are in your custody, destined to the payment of the bondholders of the foreign debt contracted in London, are not yet delivered in definite payment, and in the actual circumstances may run much risk, in common with the other valuable property in the capital, in case of a disturbance of the public tranquillity, which risk is imminent unless the forces that preserve order in this city are provided with their pay, and as this cannot be done opportunely with the disposable funds, because their collection is slow,

his Excellency the General-in-chief of said forces, in compliance with his duty, and in order to save his responsibility in respect to that valuable property, has directed that you place the said sums at the disposal of the Commissariat of the army; with the understanding that only the amounts absolutely necessary shall be removed from the chests in which they may be found, and that in order to restore them, that office will cause to be placed at your disposal the sums that may be collected from the loan conceded by the venerable clergy and private persons for the purpose of providing the pay of this garrison, and that should there be any deficiency on the departure of the first "conducta," it will be covered by the duties produced by the sums which may be exported by it.

This day you will please to deliver the sum of 200,000 dollars, for which the Commissary-General will give you a receipt.

God and Law.

(Signed) L. MARQUEZ.

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Inclosure 4 in No. 9.

*Mr. Whitehead to General Marquez.*

Excelentisimo Señor, *Mexico, Noviembre* 17 *de* 1860.

EN contestacion del oficio que he tenido la honra de recibir ahora por manos de Señor Comisario del Ejercito, debo decir que el dinero que se ha recibido aqui por cuenta de la deuda exterior contraida en Londres, fué puesto bajo la custodia de la Legacion de Su Magestad Británica segun la orden que recibí del Comite en Londres, con objeto de remitirse tan luego como las circunstancias permitiesen; y el Señor Mathew, antes de su salida para Jalapa, pusó su sello y firma en la puerta de la pieza donde fueron depositados los fondos, quedandose con las llaves.

Asi es que no obstante las circunstancias apremiantes que VE. con mucha justicia me indica, no puedo disponer de estos fondos sin consentimiento del Señor Ministro Ingles, ni sin que recibo yo las llaves y su permiso para romper el sello de la Legacion.

Esta es la contestacion que tuve el honor de dar al Señor Comisario verbalmente, en ahorro de tiempo, y á su pedimento cuando le manifesté la inposibilidad en que me hallaba de hacerle la entrega de los 200,000 pesos, y estoy convincido que VE. se persuadir á que no es por ninguna falta de deferencia al Supremo Gobierno que no he podido cumplir con su disposicion, sino porque el poder no reside en mi.

Con referencia á una observacion que VE. se ha servido hacerme, no será por demas decir que no obstante que los fondos no esten distribuidos en dividendo, estan ya entregados legalmente en dominio de los tenedores de bonos, y aunque no estuvieren depositados en manos de la Legacion Inglesa, no estaria á mi arbitrio el disponer de ellos sino para su embarque; en prueba de que, y por si acaso no tuviere VE. á la mano la Ley de 23 Enero, 1857, me tomo la libertad de incluirle una copia, en la que los tres primeros articulos lo indican claramente.

Tengo, &c.

(Firmado) CARLOS WHITEHEAD,

*Comisionado de los Tenedores de Bonos de la Deuda Exterior.*

(Translation.)

Excellency, *Mexico, November* 17, 1860.

IN reply to the official communication which I have had the honour to receive by the hands of the Commissary of the army, I have to state that the money received here for account of the exterior debt contracted in London has been placed in custody of the Legation of Her Britannic Majesty, in compliance with the order received by me from the Committee in London, for the purpose of remitting it as soon as circumstances permitted; and Mr. Mathew, before leaving for Jalapa, affixed his seal

and signature to the door of the room where the funds were deposited, retaining the keys.

Consequently, notwithstanding the pressing circumstances to which your Excellency very justly alludes, I am not able to dispose of these funds without the consent of the British Minister, nor without receiving the keys, and his permission to break the seal of the Legation.

This is the reply which I had the honour to give verbally to the Commissary to save time, and by his desire, when I pointed out the impossibility in which I found myself of delivering the 200,000 dollars; and I am sure your Excellency will be convinced that it is not from any want of respect to the Supreme Government that I have not been able to comply with their order, but that the power does not reside in me to do so.

In reference to an observation which your Excellency has been pleased to make, it will not be superfluous to say that, although the funds are not distributed as a dividend, they are already legally delivered over to the dominion of the bondholders, and, even though they were not deposited in the hands of the English Legation, it would not be in my power to dispose of them except for the purpose of shipment; in proof of which, and in case your Excellency should not have the Law of the 23rd of January, 1857, at hand, I take the liberty of inclosing a copy, wherein you will find it clearly laid down in the first three Articles.

I have, &c.

(Signed) CHARLES WHITEHEAD,
*Commissioner of the Bondholders of the Exterior Debt.*

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Inclosure 5 No. in 9.

*General Marquez to Mr. Whitehead.*

*Cuartel-General en Mexico, á* 17 *de Noviembre de* 1860.

IMPUESTO de la contestacion verbal que por conducto del Señor Comisario-General del Ejercito y Marina dió V. en la mañana de hoy á mi comunicacion de la misma fecha que le fué entregado por dicho Señor, referente á la suprema disposicion del Excelentisimo Señor General-en-gefe del Ejercito nacional, dictada para salvar los intereses que V. tiene depositados, destinados al pago de los tenedores de bonos de la deuda Inglesa; y no siendo posible esperar por mas tiempo la contestacion escrita que sobre el mismo asunto ofreció V. remitir, y que ha de ser en el mismo sentido; pasa desde luego á ese almacen el Señor Coronel Don Antonio Jauregui á ejecutar lo mandado por el Excelentisimo Señor General-en-gefe. Lo que aviso á V. para su conocimiento.

Dios y Ley.

(Firmado) L. MARQUEZ.

(Translation.)

*Head-Quarters in Mexico, November* 17, 1860.

INFORMED of the verbal reply which, through the medium of the Commissary-General of the Army and Navy, you gave this morning to my communication of the same date, with reference to the supreme orders of his Excellency the General-in-chief of the National army, issued with a view to save the interests which you hold deposited for the payment of the bondholders of the English debt; and it not being possible to await longer the written reply which, on the same subject, you offered to remit, and which must be in the same sense; Colonel Don Antonio Jauregui proceeds immediately to that store to execute the orders of his Excellency the General-in-chief. Which I notify to you for your information.

God and Law.

(Signed) L. MARQUEZ.

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Inclosure 6 in No. 9.

*Protest.*

EN la ciudad de Mexico, á los 17 dias del mes de Noviembre, 1860, el Señor General Coronel Don Antonio Jauregui, asociado de mi el Escribano y de los testigos Don José Maria Silva y Don Juan Chavez, pasamos á la casa No. 11 de la Calle de Capuchinas, y en ella presente Don Carlos Whitehead, agente de los tenedores de bonos de la deuda estrangera en Londres, el Señor Jauregui le entregó una orden para que entregue los fondos que son á su cargo, y ahora mismo se trasladen á la Comisaria-General, en clase de deposito para mayor seguro.

El Señor Whitehead contestó que los fondos que tenia á su cargo los tiene puestos bajo la custodia del Señor Encargado de Negocios de Su Magestad Británica, y por lo mismo al entregar la llave al Representante de Su Magestad Británica este ha recogido la llave y puesto el sello; que por lo mismo nada puede entregar, y protesta por las razones que por escrito le ha dirigido hoy al Señor General Cuartel-Maestre; entendiendose que la protesta se dirije no solo al Supremo Gobierno, sino en lo personal desde el Excelentisimo Señor Presidente, hasta la ultima persona que como agentes ó ejecutores intervengan en este negocio.

En este estado se presente el Señor Don Roberto Glennie, y manifestó que es Consul Interino de Su Magestad Británica, é impuesto de lo que se va á practicar manifiesta que los fondos que estan en un cuarto de este almacen estan bajo la proteccion y amparo de la Legacion de Su Magestad Británica, que por lo mismo se opone á cualesquiera extraccion ú otra providencia, y hará responsable al Excelentisimo Señor Presidente y á todas las demas personas que vengan á ejecutar cualesquiera acto de violencia, entendiendose en la responsabilidad aquellos funcionarios que hayan dado las ordenes.

Y firmaron por anti mi.

Doy fé.

A. M. JAUREGUI.

(Firmado) ROBERTO GLENNIE, *Consul interino de Su Magestad Británica.*

C. WHITEHEAD.

JUAN CHAVEZ.

JOSE M. SILVA.

SIMON NEGREIROS.

(Translation.)

IN the city of Mexico, on the 17th day of the month of November, 1860, the General, Colonel Don Antonio Jauregui, associated with me the Notary, and the witnesses Don José Maria Silva and Don Juan Chavez, proceeded to the house No. 11, Calle de Capuchinas, and there being present Mr. Charles Whitehead, agent of the bondholders of the foreign debt in London, Señor Jauregui delivered to him an order that he should deliver up the funds which are in his charge, and immediately transport them to the General Commissariat, in character of deposit for greater security.

Mr. Whitehead answered that the funds he held in his charge were placed under the custody of Her Britannic Majesty's Chargé d'Affaires, and, therefore, on delivering the key to Her Majesty's Representative, the latter retained the key and affixed the seal; that he can therefore deliver nothing, and protests, for the reasons which he has this day addressed in writing to the Quartermaster-General; it being understood that the protest is directed not only to the Supreme Government, but to all persons from his Excellency the President to the lowest individual, who as agents or assistants may intervene in this affair.

At this stage, Mr. Robert Glennie presented himself and declared that he is Her Britannic Majesty's Acting Consul, and being informed of what is about to be done, declares that the funds which are in a room of this store are under the protection and shelter of Her Britannic Majesty's Legation; that, therefore, he opposes any abstraction, or other measure, and will hold responsible his Excellency the President, and all other

persons who may aid in the execution of any act of violence, including in this responsibility those functionaries who may have given the orders.

And signed in my presence.

I certify.

A. M. JAUREGUI.

(Signed) ROBERT GLENNIE, *Her Britannic Majesty's Acting Consul.*

C. WHITEHEAD.

JUAN CHAVEZ.

JOSE M. SILVA.

SIMON NEGREIROS.

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Inclosure 7 in No. 9.

*Messrs. Schmidt & Co. to Acting Consul Glennie.*

Dear Sir, *Mexico, November* 19, 1860.

WE wish, now that the armed force has been retired from our house, to open the doors of our stores and offices, which we wish done in the presence of Her Majesty's Acting Consul, so that he may personally take note of the state the same is found in, and receive on the premises our most formal protest for the injury to and damage caused not only to our business, but also to our premises.

We are, &c.

(Signed) J. J. SCHMIDT & Co.

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Inclosure 8 in No. 9.

*Colonel Jauregui to Mr. Whitehead.*

*Mexico, Noviembre* 17 *de* 1860.

HABIENDO reconocido la existencia efectiva que se hallaba en el deposito mandado ocupar por el Excelentisimo Señor Cuartel-Maestre General, aparecen 660,000 pesos.

Sirvase V. decirme si es esta, ó mayor, la suma que debia existir, para dar conocimiento al espresado Señor Excelentisimo del resultado de mi Comision.

Dios y Ley.

(Firmado) A. M. JAUREGUI.

(Translation.)

*Mexico, November* 17, 1860.

HAVING examined the actual amount found in the deposit ordered to be taken possession of by his Excellency the Quartermaster-General, there appear 660,000 dollars.

Please to inform me if the sum which ought to be there is this, or larger, that I may inform his Excellency of the result of my commission.

God and Law.

(Signed) A. M. JAUREGUI.

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Inclosure 9 in No. 9.

*Señor Pacheco to Mr. Mathew.*

Muy Señor mio, *Mexico, Noviembre* 19 *de* 1860.

EL 16 en la tarde vinó á verme el Señor Beraza, participandome sus temores de que fuesen quebrantados ciertos sellos de la Legacion

Británica, puesto por VS. en la casa que ocupó, y que en consecuencia fuesen sacados de alli, caudales que correspondian á subditos Ingleses.

Aunque VS. no me habia hecho respecto á estos ninguna recomendacion, comprendí que mi calidad de gefe del Cuerpo Diplomatico, y las buenas relaciones de mi augusta Soberana con Su Magestad la Reina de la Gran Bretaña, me imponian obligaiones á las que de ningun modo debia faltar. Dije pues el Señor Beraza que me avisase si se formalizaban sus temores; y aguardé, resuelto á emplear en su caso les medios que estubieran en mi poder.

En la mañana del 17 voloió á verme el propio Señor Beraza, y lo hicieron ademas los Señores Glennie y Whitehead. Convencido de que le amago era serio pasé á ver personalmente al Señor Miramon, quien me manifestó la decision en que el Gobierno estaba, de ocupar los mencionados caudales, que no estimaba aun definitivamente entregados en pago á los acreedores Ingleses, y que se proponia reintegrar con los productos de cierto prestamo.

Cuando ví que esta resolucion era inmutable, é inutiles cualesquiera esfuerzos para contrarrestarla, me retiré manifestandole que en mi posicion de cabeza del Cuerpo Diplomatico tendria que protestar, así verbalmente como por escrito, contra el acto que se me anunciaba iba á verificarse.

Supongo á VS. instruido de que efectivamente protesté de palabra, cuando el Comisionado de este Gobierno llegó con fuerza armada á la casa donde VS. habitó, y donde estaban los expresados fondos.

Los repetidos Señores Beraza, Glennie, y Whitehead, parecieron satisfechos de mi conducta; y este ultimo me ha escrito dandome gracias por ella. Pero yo no hize eso solo. Como habia anunciado al Señor Presidente Miramon, pasé en seguida una nota al Señor Lares, Ministro de Relaciones, de la cual incluyo á VS. copia para su conocimiento.

A esta nota no he recibido contestacion alguna. Pero desgraciadamente ni ella ni la protesta impidieron el acto, ni salvaron los 660,000 pesos que parece se custodiaban bajo los sellos de la Legacion.

Al dar á VS. cuenta de este triste suceso, espero reconocerá que he hecho en el, lo que me ha sido posible, cumpliendo con los deberes de mi posicion, y conduciendome como cumplia á un Representante de Su Magestad Católica.

Aprovecho, &c.
(Firmado) J. F PACHECO.

(Translation.)

Dear Sir, *Mexico, November* 19, 1860.

IN the afternoon of the 16th instant Mr. Beraza came to see me, and expressed his fears that certain seals of the British Legation, placed by you in the house which you occupied would be broken, and that consequently funds belonging to British subjects would be carried away.

Although you had not recommended these funds to my care, I was aware that my quality of Chief of the Diplomatic Corps, and the friendly relations which exist between my august Sovereign and Her Majesty the Queen of Great Britain, imposed certain obligations upon me, which it was my duty to leave nothing undone to comply with. I therefore requested Mr. Beraza to give me due notice, should his fears prove to be well founded; and I waited, with the determination of using in this case every means in my power.

On the morning of the 17th Mr. Beraza came to see me again, as did also Messrs. Glennie and Whitehead. Convinced that the threat was serious, I went in person to see Señor Miramon, who acquainted me with the decision of the Government to occupy said funds, which he did not consider as definitively given up in payment to British creditors, and which he proposed to reimburse, out of the proceeds of a certain loan.

When I saw that this determination was immutable, and any efforts on my part to change it useless, I retired, declaring that in my position of head of the Diplomatic Corps I should have to protest by word and in writing against the act which I was told was about to take place.

I suppose you have been informed of my having actually protested when the Commissioner from this Government arrived with an armed force at the house in which you had your residence, and where the said funds existed.

Messrs. Beraza, Glennie, and Whitehead appeared to be satisfied with my conduct, and the latter has written to me, thanking me for the same. But I did not only do that. As I had announced to Señor Miramon, I subsequently addressed a note to Señor Lares, Minister for Foreign Affairs, copy of which I inclose herewith for your Government.

To this note I have not received a reply; but unfortunately neither note nor protest proved sufficient to prevent the act, or save the 660,000 dollars, which, it appears, were under the safeguard of the Legation seals.

In acquainting you with this sad business, I hope you will see that I have done everything in my power in the matter in compliance with the duties of my position, and observing such a line of conduct as becomes the Representative of Her Catholic Majesty.

I avail, &c.

(Signed) J. F. PACHECO.

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Inclosure 10 in No. 9.

*Señor Pacheco to Señor Lares.*

*Mexico*, 17 *de Noviembre*, 1860.

EL Infrascrito, Embajador de Su Magestad Católica, tiene el sentimiento de dirigirse al Excelentisimo Señor Don Teodosio Lares, Ministro de Relaciones Exteriores, con motivo de un desagradable suceso que ha pasado en el dia de hoy.

Por orden del Señor Cuartel-maestre General del ejercito se ha presentado una persona á quien el Infrascrito no tiene la honra de conocer, acompañado de fuerza armada, en la casa donde estuvo la Legacion Británica en esta capital, con el proposito de exigir una suma considerable que parece estaba entregada ó depositada para el pago de acreedores Ingleses.

Hasta aqui el Infrascrito no tendria nada que ver en el asunto, pues que el Encargado de Negocios de Su Magestad Británica no le encomendó, al ausentarse, ni los intereses ni las personas de sus compatriotas. Mas para ocupar la espresada cantidad, el Comisionado ha tenido que romper, y ha roto, una puerta cerrada y sellada con los sellos de aquella Legacion; y sobre este acto es sobre lo que el Infrascrito, despues de haber hecho una protesta verbal, se cree precisado á repetirla en la presente nota, llamando la atencion del Excelentisimo Señor Ministro de Relaciones.

Colocado el Infrascrito á la cabeza del Cuerpo Diplomatico, no puede menos de reclamar con toda energia contra lo que constituye una infraccion de las justas inmunidades de los Representantes estranjeros, y un ataque al derecho internacional. Tal es el rompimiento de los sellos de una Legacion para ocupar lo que se encuentra bajo su custodia y su garantia. Si tal principio se desconociese, las relaciones entre los diferentes Estados carecerian de seguridad y de dignidad, y el derecho de gentes se veria entregado á la arbitrariedad y á la fuerza.

Deplorando pues un suceso que no necesita el Infrascrito calificar con mas detencion, se vé obligado á insistir en la protesta que antecede, y que comunica al Excelentisimo Señor Ministro de Relaciones, esperando medite sobre su notoria gravedad, y sobre las consecuencias que puede traer á Mexico; y anunciandole que deberá elevarla por el proximo correo al Gobierno de Su Magestad Católica y comunicarla á sus colegas en esta República.

Aprovecha, &c.

(Firmado) J. F. PACHECO.

(Translation.)

*Mexico, November* 17, 1860.

THE Undersigned, Her Catholic Majesty's Ambassador, regrets that he has to address his Excellency Don Teodosio Lares, &c, on the subject of a disagreeable occurrence that has taken place to-day.

By an order of the Quartermaster-General of the army a person whom the Undersigned has not the honour of knowing presented himself in the house of the British Legation in this capital, accompanied by an armed force, for the purpose of demanding a considerable sum, which it appears had been delivered, or was deposited for the payment of English creditors.

So far the Undersigned would have had nothing to do in the matter, inasmuch as Her Britannic Majesty's Chargé d'Affaires on leaving had not recommended to him either the interests or persons of his countrymen; but, in order to take possession of the above-mentioned sum, the Commissioner has had to break, and has broken, a closed door, shut, and stamped with the seals of that Legation. Upon this act it is that the Undersigned, after having made a verbal protest, considers he is compelled to repeat the same in this note, to which he calls the attention of his Excellency the Minister for Foreign Affairs.

Placed at the head of the Diplomatic Corps, the Undersigned cannot do less than remonstrate, in the most energetic manner, against what constitutes an infraction of the just immunities of foreign Representatives, and an attack upon international rights; such is the breaking of the seals of a Legation in order to take possession of what may be found under their custody and guarantee.

If that principle were unheeded, the relations between different States would be deprived of security and dignity, and the Law of Nations would be a prey to mere force and arbitrariness.

Deploring, therefore, an occurrence which the Undersigned needs not designate more particularly, he is obliged to insist upon the protest already referred to, which he communicates to his Excellency the Minister for Foreign Affairs, in the hope that he will reflect upon the public importance thereof, and upon the consequences it may bring upon Mexico, and acquainting him that it will be his duty to lay the same before Her Catholic Majesty's Government by the next mail, and to communicate it to his colleagues in this Republic.

He takes the opportunity, &c.

(Signed) J. F. PACHECO.

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Inclosure 11 in No. 9.

*Mr. Mathew to Señor Pacheco.*

Sir, *Jalapa, November* 25, 1860.

I HAVE had the honour of receiving your Excellency's despatch of the 19th instant, communicating the steps your Excellency had taken, in the hope of preventing the outrage committed by the Government of General Miramon, in the violation of the premises under lease to me, and of my official seal, and in the plunder of the British property thus obtained, and inclosing to me a copy of the protest you thought proper to address subsequently to Señor Lares.

I beg to express my deep acknowledgments of the course adopted by your Excellency on this occasion, which it will be my grateful duty to bring to the immediate knowledge of my Government.

I have directed Her Majesty's Consul in Mexico to transmit to your Excellency a copy of the despatch I have addressed him respecting this disgraceful occurrence.

From my knowledge of the character of General Miramon, of his Ministers, and of the infamous General Marquez, I can entertain but little hope of the simple reparation I have demanded.

In this case, I conceive it my duty simply to call the further consideration of your Excellency, as the Ambassador of Her Catholic Majesty, and as the head of the Diplomatic body in this Republic, to an outrage which

affects the general basis of the Diplomatic and International rights, upon the due observance of which must depend the just title of any Government to the recognition of civilized nations.

I have, &c.
(Signed) GEORGE B. MATHEW.

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Inclosure 12 in No. 9.

*M. Wagner to Señor Lares.*

*Jalapa, le* 23 *Novembre,* 1860.

SON Excellence l'Ambassadeur d'Espagne et le Chargé d'Affaires de France ont bien voulu m'informer de l'attentat odieux commis par les autorités de Mexico à l'hôtel de la Légation Britannique, pour s'emparer des fonds qui y étaient déposés.

Le Gouvernement de Mexico se précipite dans une voie où il sera impossible aux nations étrangères d'entretenir des relations avec lui.

Je vous prie, Monsieur, d'appeler l'attention la plus sérieuse de son Excellence le Président sur les périls de la situation, et de lui faire observer qu'en se rendant coupable, ou en tolérant, de pareils excès, il marche àsa ruine morale et politique, car on ne peut admettre que le peuple Mexicain ou les nations étrangères puissent accepter à la longue un Gouvernement qui foule aux pieds les premiers principes du justice, d'honneur, et de droit public.

Agréez, &c.
(Signé) C. WAGNER.

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Inclosure 13 in No. 9.

*Mr. Mathew to Acting Consul Glennie.*

Sir, *Jalapa, November* 22, 1860.

I HAVE received with deep regret, and with just sentiments of indignation, your communication of the 17th and 20th instants, detailing the outrage committed against the law of nations and against the rights of property by the Government of General Miramon.

Your statements and your protest inform me, that on the 16th instant my residence in Mexico, the property of Mr. Barton, a British subject, was forcibly taken possession of by General Lagarde, by an order from General Marquez, under a pretence (the falsehood and absurdity of which must have been notorious) that a depôt of arms was concealed in that or the adjoining house; and that on the 17th an armed force having occupied the street, and entered the house, under command of Colonel Jauregui, the premises secured under my official seal and declaratory statement were broken open by workmen employed for the purpose, and the money placed there by me for greater security, at the request of the agent of the English bondholders, was plundered and carried off, to the amount of 660,000 dollars.

I find further, that the Ambassador of Her Catholic Majesty, who had in vain previously warned General Miramon of the heinousness of the contemplated act, protested personally against it as well as yourself.

This occurrence, which has thus taken place within a few days of the publication by the Government of General Miramon of the note addressed to me by Señor Lares, in which that functionary loudly vindicates his Government as one of "law, order, and justice," against the accusation of having committed any act condemned by international law, and in which he solemnly declares the "firm determination" of General Miramon "to impart the most decided protection to the persons, as well as to the property of Her Majesty's subjects," must have the primary painful result of convincing Her Majesty's Government, and the other allied Powers represented in Mexico, that no reliance can be placed in the honour of that leader or of the members of his Government, and that no faith can be reposed in their most solemn pledges and protestations.

I perceive that an attempt has been made (in perfect keeping with the rest of this disgraceful affair) by the Government in Mexico, to claim a jurisdiction over the bondholders' money, so long as it remained in this country, and undivided.

These funds, no part of which arose from duties levied within the jurisdiction held by General Miramon, are received by the agent of the bondholders in Mexico, in lieu of the outports, by a recent arrangement, made by request, and for greater general convenience, and they would have been ere this embarked, were it not for the violation of the existing stipulations, and for the illegal demand for arbitrary transit duties made, it is understood, by Señor Dias, a gentleman whose appointment to official duties was, it is well known, received with universal indignation.

But it is sufficient to refer to the Law of the 23rd January, 1857, to refute completely a claim which I can scarcely suppose to be seriously advanced.

The first Article of that Act directs the comptrollers of the maritime custom-houses to make the payments agreed upon to the agent or agents of the bondholders, while the second declares that the responsibility of the Mexican Government absolutely ceases upon these payments being thus made into the agent's hands. Where no responsibility exists there can be no title or possession.

It must thus become evident that even under this point of view the Government in Mexico have avowedly been guilty of the act of forcibly entering a private residence, and of plundering the property of Her Majesty's subjects found therein. I am compelled, therefore, to acknowledge that the foreign resident has no longer any security for life or property under the government of General Miramon.

But a serious political aspect necessarily appertains to this outrage, and affects its perpetrators, whose signal punishment can alone relieve their country from the dishonouring stain they have now brought upon it.

Her Majesty's Government may not think fit to recognise the authorities holding power in the capital in Vera Cruz, or in any other part of Mexico, as the Government of the Republic, but they do not on that account forfeit the diplomatic securities and immunities guaranteed by the laws and comity of all civilized nations.

Not only was a specific part of the house of Her Majesty's Legation in Mexico retained for the archives and other property left under the especial charge of Her Majesty's Consul, of a member of the Legation, and of the porter for many years in its service, but under the terms of the lease the whole that I occupied was still in my possession.

It is unquestionable that the seal of Her Majesty's Legation protects the property it covers, whether this be money, archives, or despatches, throughout the Republic. On this occasion it has been openly violated. The protest made in person by the Ambassador of Her Catholic Majesty, as well as your own, would have sufficed to remove all possible plea of ignorance of the nature of the act committed in breaking open apartments secured by my official seal; but the order presented as his authority by General Lagarde on the 16th proves that his Government was fully conscious of the state of the case, by the instruction it contained to take especial care that any apartment or object protected by the arms of a foreign nation should be strictly respected.

General Miramon and his Ministers, it is clear, viewed the honour of their country and their own as far subordinate to their desire to obtain a sum of money, and have unhesitatingly trampled every law of civilisation under foot to carry out their object.

But Her Majesty's Government, whose forbearance during the last two years has been so greatly tried, will not suffer an outrage, hitherto unparalleled, to remain without due redress.

I have to instruct you to address a communication to Señor Lares (inclosing at the same time a copy of this despatch) demanding the restoration within forty-eight hours of the money plundered from my house by the violation of the seal of Her Majesty's Legation, and a letter of ample apology for the outrage thus committed. If this demand is not complied

with, within that time, General Miramon, the Members of his Cabinet, Messrs. Lares, Dias, Corona, and Sagaceta, and General Marquez, will be held answerable in their persons and in their property, as well as the Mexican nation, for this disgraceful act, and I shall take such steps as may seem best calculated to insure the objects of justice towards them.

I have further to instruct you to transmit a copy of this despatch to each of the Representatives of foreign Powers still residing in Mexico, who will be the best judges of the course it befits them to take.

I have, &c.

(Signed) GEORGE B. MATHEW.

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No. 10.

*Lord J. Russell to Mr. Mathew.*

Sir, *Foreign Office, January* 12, 1861.

THE very clear account which Mr. Consul Glennie has given to you respecting the robbery of 660,000 dollars from the house of the British Legation in Mexico shows that the robbery was effected by orders from General Marquez, the Lieutenant of General Miramon, who has rendered himself so notorious for his acts of cruelty and oppression during the civil war; that the money was deposited in a room secured by a locked door and a padlock, and by the seal of Her Majesty's Legation. It appears that the officers deputed by General Miramon's Government deliberately cut away the padlock with a chisel, broke the seal, forced open the door, and, in spite of the solemn protest of the Spanish Minister, present on the spot, stole the money deposited in the room.

A more lawless outrage was never committed by persons assuming to be a regular Government.

I inclose a copy of a representation from the Mexican bondholders respecting the robbery of their property, together with a copy of the answer which I caused to be returned thereto. I also inclose copies of a correspondence I have had on the subject with Mr. Robertson.

I am not surprised that the bondholders should be loud in their demands for redress, but it is evident that, if Her Majesty's Government were to enforce reprisals on the property of Mexicans at Vera Cruz, they would by so doing be aiding and abetting General Miramon in his further depredations. Nothing less than marching a British army to the capital of Mexico would reach General Miramon, and Her Majesty's Government do not contemplate such a measure.

What Her Majesty's Government can do is to open negotiations with President Juarez. He may be told that the robbery of the bondholders at Mexico has been an act of State plunder so shameless that Her Majesty's Government can hold no relations with such a Government; that if President Juarez agrees in this opinion, and will be ready, if he succeeds in establishing his authority in Mexico, to acknowledge the debt incurred by the *de facto* Government at Mexico by the act of plunder referred to, as well as acquiesce in the principle of satisfying such other claims of British subjects for spoliation and violence inflicted on them at different times as may be satisfactorily established, Her Majesty's Government will be ready to recognize President Juarez as the head of a legal Government, and to give him the moral support of Great Britain. But that, in any case, Her Majesty's Government will hold the Mexican nation, by whatever Government it may happen to be ruled, responsible for the money recently seized at Mexico; and that Her Majesty's Government reserve to themselves the right to make any further demands which they may consider necessary for purposes of reparation and redress.

You will proceed to Vera Cruz on the receipt of these instructions. You will communicate them to Captain Aldham, or the senior British naval officer at that port, and, in conjunction with him, will make to President Juarez an offer of recognition upon the terms I have already mentioned.

Should your proposal be accepted, Sir Charles Wyke will be accredited, as the United States' Envoy already is, to President Juarez.

I am, &c.

(Signed) J. RUSSELL.

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Inclosure 1 in No. 10.

*Mr. Mc Garel to Lord J. Russell.*

*Committee of Mexican Bondholders, 10, Basinghall Street,*
*December 14, 1860.*

My Lord,

A FEW days ago I had an interview with Mr. Hammond on the subject of the telegraphic intelligence then received from New Orleans of the seizure by General Miramon's Government of the funds of the British holders of Mexican National bonds, locked up in the city of Mexico, being so locked up there because, according to Mr. Hammond's letter to the Chairman of this Committee of 1st March last, your Lordship declined to interfere specially for their safe transmission to the coast, and because none of the three conductas from Mexico to Vera Cruz during the last two or three years have, in the opinion of Her Majesty's Minister in Mexico, offered sufficient security to justify Mr. Whitehead to intrust the funds of the bondholders to them; all having, in fact, been more or less plundered, besides having had to pay an extraordinary impost of 8 per cent., which would have been exacted from the bondholders, although legally exempted, as well as from others.

I have now the honour to send for your Lordship's information the copy of a report, dated Mexico the 17th ultimo, from the Commissioner of the bondholders in Mexico, Mr. Charles Whitehead, confirming the above intelligence and describing the circumstances attending this outrage.

In doing so this Committee beg leave, on behalf of the Bristish holders of bonds of the Mexican National Debt contracted in London, most respectfully and earnestly to appeal to your Lordship for prompt and signal redress.

This Committee at the same time deems it necessary on this occasion to draw your Lordship's more particular attention to the unfortunate fact, that parties in Mexico have from long experience of the practice adopted here become firmly convinced that, as regards the British holders of their National bonds, no distinction will be made by our Government between a robbery and the mere non-payment of a debt, and that the former will practically be treated as an offence quite as venial and calling for as little international notice as the latter. Now, the mere insolvency of the Mexican Government will not, of course, give those British subjects who have lent their money to Mexico any right to call on their own Government for redress, although (as the fact is in the present case) they may have been countenanced and influenced by it to make such loan. But the bondholders have taken a tangible security for the due payment of the interest on this debt, cession having been made to them by the law of Mexico of certain revenues, the produce of which is from the moment of its being collected, *ex necessitate rei,* indelibly invested with the character of realized British property.

It is when this realized British property, instead of being handed over to the agents of the bondholders, as by law it should be, is appropriated by the Mexican Government *in transitu* (a robbery that has for years been almost daily committed), that British subjects have a right to ask, and have asked, for, but have scarcely ever obtained, redress. This unhappy and disgraceful state of affairs makes it highly desirable that the redress in the present instance should be signal as well as prompt, in order at length to put a term to the practice which has grown up in Mexico of robbing the bondholders in consequence of the notion entertained that robbery of the bondholders is wittingly and systematically tolerated by the British Government.

Such being the state of opinion and the consequent practice in Mexico, the only shadow of protection afforded to the funds of the bondholders accumulated in the capital, was the presence of a British Legation there.

It is, therefore, a circumstance deeply to be deplored that there should all at once have arisen such a pressing necessity for, or that so great an object was to be gained by, the sudden departure of the British Legation from Mexico, that it had to be carried into effect without even awaiting the arrival of Sir Charles Wyke there, and without a moment's warning to the parties whose property was imperilled by it. If, however, it was a necessity of State, the State will, of course, bear the sufferers harmless from the inevitable consequence of it.

The settled and unanimous opinion of all Mexicans having experience of public affairs, when speaking in confidence, is that no argument short of actual coercion will ever have any chance of prevailing in Mexico in favour of regularity, honesty, and justice. As to the apprehension that Mexico would at present go to war with this country in consequence of such moderate coercion as the occasions arising through her own misconduct may require, there is something almost ludicrous in it. But what the bondholders require is not war, but redress, and if the country cannot, in return for allegiance, afford protection by the employment of force, it will, of course, compensate those who are sufferers by this inability. To suppose the alternative of a Government denying to subjects, acting in the exercise of their perfect rights, both redress for wrongs suffered, and compensation for non-redress, would be a supposition too monstrous and offensive even to be broached.

I have, &c.

(Signed) CHAS. McGAREL,

*Deputy Chairman of the Committee of Mexican Bondholders.*

P.S.—For the greater convenience of reference, we beg leave to inclose a fascicle containing (pages 3 to 5 and pages 21 to 23) the Mexican Decrees of 14th October, 1850, and 23rd January, 1857, on which the rights of the bondholders are based.

C. Mc G.

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Inclosure 2 in No. 10.

*Mr. Whitehead to Mr. Robertson.*

*Mexico, November* 17, 1861.

ABOUT 4 o'clock yesterday afternoon, being at the Lonja (or Exchange rooms), I received a message to say I was wanted at home. I went there, and found General Lagarde, the Chief of Police, had been there, and presented a written order he had received to search the house and the adjoining one for arms; and that if any room were sealed up by a Foreign Minister, the seal was to be respected. He accordingly made a hurried search for arms (which was merely a blind), and then proceeded to examine carefully the door of the treasure. He had already left when I arrived, but I found Mr. R. Glennie, the Acting Vice-Consul, and Don Rafael Beraza, formerly courier of the British Legation, but since attached to it as a general medium in this relating to the palace [*sic*].

Lagarde returned after some time, having made his report, and allowed Mr. Glennie to take a copy of his order. He then went away, leaving two officers of the police in charge, and another I believe was placed in the street; the former were put especially in charge of the treasure-room to watch the door and a servant's room adjoining beyond, lest any attempt should be made, I suppose, to convey it through the wall.

The Spanish Ambassador was very kind, and sent word, through M. Beraza, that he would do everything in his power, and in case the thing went any farther, he would go and see Miramon, and also, if needful, be present and protest against any ulterior measures. I heard no more till shortly after I commenced writing this, when I received an "oficio" from General Marquez requiring me to deliver up the funds, partly because until a dividend was made they were national property, and partly because in the present state of things they were exposed to danger: for the moment

they required only 200,000 dollars, which I was requested to deliver to the Commissary-General, the rest would be removed to a place of safety and deposited, and only used in case of need, and for this a return should be made out of certain contributions and duties (you will find copies of this and other communications annexed). The Commissary required an immediate answer, which I gave him verbally, until my written one could be sent in. It was to the effect that the money on being recovered had been placed under the safeguard of Her Majesty's Legation, and that Mr. Mathew, before leaving, had placed his seal upon it, and taken possession of the keys; that, consequently, it was not in my power to comply with the order; that even had it been different, I could not have done so, for I had received the money for the sole purpose of remitting for account of the bondholders, whose property it was from the moment it came into my possession. With this reply he went away, and I called on the Spanish Ambassador to thank him for his offers of service, and to tell him I believed the time was at hand for me to avail of them. He read the "oficio," and told me that although Mr. Mathew had gone without recommending British interests to his care, still, as England and Spain were friendly Powers, he should have great pleasure in doing what lay in his power, and considered it a duty. He told me he had no doubt they would have the money, for he had just come from the palace, where he had gone on purpose, and though he made every remonstrance, and pointed out the heinousness of their proceeding, they had told him they must have it; that when they came, the Consul and myself must both protest; and that if I would send him word, he would come over and do the same.

After finishing the rough draft of my reply, I took it over to show it him, and he fully approved of it. I therefore returned home, and just as it was finished, and I was folding it up, I received a second "oficio" from General Marquez, saying that as he supposed my written communication would be to the same effect as the verbal one, the Government could wait no longer, and the bearer, Colonel Jauregui, was ordered to take possession at once. I dispatched my answer, and then asked Colonel Jauregui what course he proposed taking. He said his instructions were to take the money, and if I delivered it, he had nothing more to do but to receive it. I told him I had not got the key, nor had I authority from Mr. Mathew to break the seal. I sent for Mr. Glennie, and we both spoke to the same effect, that the money was British property, and under the custody of Her Majesty's Legation, and could not be delivered; and if they proceeded to violence, we held them responsible personally from the President to the lowest individual who took any part in the matter. This was all taken down by a notary and signed; and by that time the Spanish Ambassador arrived, and addressed Colonel Jauregui very strongly, and properly protesting, as the chief member of the Diplomatic Corps, against the whole proceedings. On his retirement Jauregui, the notary, and a number of number of others approached the door with two blacksmiths and a bag, and ordered them to proceed to take off the lock (which was a large padlock, with hooks and bars), and be careful not to break the seal. They were just commencing when Mr. Glennie repeated in a loud voice what he had before said, and cautioned especially the workmen that they were committing an illegal act, and violating the property of Englishmen, and the seal of Her Britannic Majesty; whether this was broken or not, was a matter of no importance, the violence was equally committed. I did the same. The store was filled with foreign residents, among whom was Mr. Blacket, American Consul, and I called them all to witness that I opposed myself to the scandal which was about to be perpetrated, and should hold responsible every one who had any hand in it, from the President to the most insignificant individual.

The workmen at first pretended they could not get the lock off, being evidently alarmed at what might happen to them, and attempted to retire, but were brought back by a soldier belonging to a strong guard which had been marched into the entrance-court and in the front of the house. In about half or three quarters of an hour they succeeded in getting the lock off, and Colonel Jauregui desired me to notice that the seal had not been broken; I refused, however, to look whether it had been or not, saying

the outrage had been effected. A strong Chubb's lock was under the padlock, and another workman was brought to remove that; before he commenced, Mr. Glennie gave him the same caution as before, but he was told by the officer that he was to do so; he therefore, finding no other way, tried to cut a piece out of the door, and after about another half-hour it was effected, and the police force entered the room. Upon this being done, we all retired. The officer asked Mr. Glennie to step in and see the amount they took, which he refused to do, saying he had seen far too much already; that he was now in full possession, and must do as he liked.

After posting this letter, I shall write to Mr. Mathew, and send it to Jalapa by express. The correspondent of the "New Orleans Bee" accompanied me upstairs, and has sent a communication to that paper, which no doubt will be telegraphed to New York, and reach home before this letter.

If I have omitted anything, you will please excuse it, as I have been much hurried; perhaps in the end all may turn out for good, if our Government take it up in the way I trust they will

I have, &c.

(Signed) C. WHITEHEAD.

I send this open to Messrs. Viga for their perusal, having no time to write them.

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Inclosure 3 in No. 10.

*Correspondence between Mr. Whitehead and General Marquez, &c.*

(Translation.)

*Mexican Republic, National Army, Quartermaster's Office.*

THE General-in-chief of the Army has received information that in the houses under Nos. 10 and 11 in the street of the Capuchins, there exists a depôt of arms, and his Excellency, therefore, orders that you will at once proceed to make an examination of the stores of those houses, ordering your people to open such cases as you consider necessary, and to proceed to do whatever may be necessary to ascertain the truth of the matter.

His Excellency recommends you to use all due moderation, and to treat such persons as you may meet therein with the consideration they deserve.

Should you find any door or article protected by the arms of another nation, you are to respect the same, and in no wise proceed to touch it, taking care only that no one claims it; giving account of your proceedings forthwith to the General-in-chief, in order that his Excellency may take such resolution as he may consider advisable.

Dios y Ley.

*Head-Quarters in the National Quarters of Mexico,*
*November* 16, 1860.

(Signed) L. MARQUEZ.

General Juan Lagarde.

*Mexican Republic, National Army, Quartermaster's Office.*

AS the sums belonging to the public fund in your custody, intended for the payment of the bondholders of the public debt contracted in London, have not yet been handed over for definitive payment, and may under present circumstances incur considerable risk, along with the other interests locked up in the capital, in case of any disturbance of public tranquillity—a risk which is imminent, but which must be guarded against by the forces for the maintenance of order in this city, and as this cannot be done in a proper manner with the funds available, seeing that their collection is slow, the General-in-chief of the said forces, in fulfilment of his duty, and for the purpose of saving his responsibility, in respect of such numerous interests, has resolved that you shall place at the disposal

of the commissariat of the army the sums in question, on the understanding that no amounts except such as are absolutely necessary shall be withdrawn from the chests in which they are deposited; and that, in order to restore the amounts so taken, the said Department will place at your disposal the sums to be collected of the loan granted by the venerable body of ecclesiastics, and by private individuals, to cover the wants of this garrison, and that should there still remain any deficiency at the time of the departure of the first conducta, it shall be covered out of the dues levied upon the goods exported by the former.

You will to-day be good enough to hand over the sum of 200,000 dollars, for which the Commissary-General will give you a receipt.

Dios y Ley.

*Head-Quarters, Mexico, November* 17, 1860.

(Signed) L. MARQUEZ.

Chas. Whitehead, Esq.,

Agent of the Bondholders of the Debt contracted in London.

Excellency, *Mexico, November* 16, 1860.

IN reply to the official note which I have just had the honour to receive from the hands of the Commissary of the army, I must inform you that the money which has been received here for account of the foreign debt contracted in London, was placed under the custody of Her Britannic Majesty's Legation, agreeably to the order which I received from the Committee in London, for the purpose of remittance as soon as circumstances would allow it, and Mr. Mathew, before leaving for Jalapa, placed his seal and signature on the door of the room where the funds were deposited, he himself retaining the keys.

Consequently, notwithstanding the weighty circumstances which your Excellency, with so much justice, points out to me, I cannot dispose of these funds without the consent of the British Minister, or without receiving the keys and his permission to break the seal of the Legation. This is the reply which I had the honour to give to the Commissary by word of mouth, for the purpose of saving time, and at his request, when I told him how impossible it was for me to hand over to him the 200,000 dollars; and I feel convinced your Excellency will be persuaded that it arises from no want of respect to the Supreme Government that I have failed to comply with its resolutions, but rather because I have no power in the matter.

With reference to the remark your Excellency has thought fit to make, I cannot refrain from observing that although the funds have not been distributed in the shape of dividend, they have none the less passed legally into the possession of the bondholders, and even if they should not have been deposited in the hands of the English Legation, I could have no option in the disposal of them, but must ship them in due course; in proof of which, and in case of your Excellency's not having at hand the Law of the 28th Jannary, 1857, I take the liberty of inclosing a copy, where you will see that the above is therein plainly laid down.

(Signed) CHAS. WHITEHEAD,

*Commissioner of the Mexican Bondholders.*

To his Excellency the Quartermaster-General.

*Mexican Republic, National Army, Quartermaster's Office.*

HAVING been informed, by the reply which you sent me this morning through the Commissary-General of the Army and Marine, in answer to my communication of the same date, which was handed to you by that gentleman, respecting the supreme resolution of his Excellency the General-in-chief of the National Army, dictated by the wish to save the interests which you hold in deposit, and which are destined for payment of the bondholders of the English debt, and it being impossible to have any further delay in waiting for your written reply, which you have promised to forward, and which must be to a like effect, Colonel Antonio Jauregui will forthwith proceed to your establishment to carry out the order issued

by his Excellency the General-in-chief, of which I hereby advise you for your information.

Dios y Ley.

*Head-Quarters, Mexico, November* 17, 1860.

(Signed) L. MARQUEZ.

Chas. Whitehead, Esq.,
Agent of the Bondholders.

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Inclosure 4 in No. 10.

*Mr. Hammond to Mr. Mc Garel.*

Sir, *Foreign Office, December* 19, 1860.

I AM directed by Lord John Russell to acknowledge the receipt of your letter of the 14th instant, transmitting a copy of a Report received from Mr. Whitehead, respecting the robbery by the authorities at Mexico of the funds belonging to the British holders of Mexican bonds, which were deposited under lock and key in the house of Her Majesty's Legation in that city; and you say that as the only shadow of a protection to the bondholder's property was the presence of the Britsh Legation, it is deeply to be deplored that Her Majesty's Government should have ordered Mr. Mathew to retire to Jalapa, instead of waiting for the arrival of Sir C. Wyke. You add that what the bondholders now require is not war, but redress; and that if Her Majesty's Government are not prepared to protect the bondholders by the employment of force, it is expected that they will at least compensate the bondholders who are sufferers by that disability.

Lord John Russell has also received a letter, dated the 15th instant, from Mr. Robertson on the same subject.

I am, in reply, to observe to you that the Mexican bondholders must be aware that they have long been complaining of the conduct of the Government of General Miramon. As Her Majesty's Government did not obtain from that Government redress for the various wrongs which it had inflicted upon British subjects, they at length directed Mr. Mathew to retire from the city of Mexico; but he was not told to hurry away, and, in fact, there was no State urgency in the case, there not being any quarrel between the two Governments, except as to the bad treatment by that of General Miramon of British persons and property. Among those who had more particularly complained of ill-treatment was Mr. Whitehead, the Agent of the bondholders in Mexico.

General redress can, in Lord John Russell's opinion, only be obtained when a Government which respects British persons and property shall be established in Mexico. Her Majesty's Government will use their influence to establish such a Government; but they are not prepared to interfere by force to effect a change in the internal government of that country.

With regard, however, to the particular act now complained of, Her Majesty's Government will use their best efforts to obtain reparation.

I am, &c.

(Signed) E. HAMMOND.

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Inclosure 5 in No. 10.

*Mr. Robertson to Lord J. Russell.*

My Lord, 10, *Basinghall Street, London, December* 15, 1860.

I HAVE been for many years past Honorary Chairman of the English national creditors of Mexico, or, as they are called, Mexican bondholders, along with my excellent friend Mr. McGarel, of Belgrave Square.

We have repeatedly wished to retire, but no one has been found to take our places in whom the British public and bondholders have confidence, and they have from time to time begged us to remain, which we have done, from an unwillingness to abandon our post during times of difficulty, when and where such large British interests are at stake; the more so as we know them to be a most respectable body, many of them whose fathers, husbands, and brothers embarked their all in these funds in 1825 to aid the Mexican Government and people to achieve their independence, to which the British Government of that day lent their open countenance and avowed support.

Your Lordship and your Lordship's predecessors well know the difficulties with which the creditors of the South American States have to contend. But it is very gratifying to consider that Chile, Peru, and Buenos Ayres have acknowledged their national debts, and have resumed and now continue to pay their dividends as regularly and faithfully as any of the great States of Europe. This has been mainly accomplished through the good offices of your Lordship's predecessors at the Foreign Office of England, and her representatives abroad under its direction.

Mexico, though the wealthiest of the great States of South America, has been the last to meet her public engagements, though in order to enable her more readily to do so her English bondholders had the generosity to consent to take 3 per cent. instead of 5 per cent. interest, but under a solemn promise that the reduced dividend should be regularly paid.

I need not remind your Lordship of their faithless conduct for some years past, and of the ill-usage experienced by British subjects in this matter as well as in many others. But it remained for the present Government of Mexico to perpetrate the most unheard-of outrage that, perhaps, ever has been commited in open day upon the property of British subjects, and in the presence of the British Consul, and, regardless of locks and seals by which it was secured and stamped by our English Minister at his residence in Mexico, and handed over on his temporary retirement from it to the protection of our British Consul, whose power was set at naught and protest unheeded and held as worthless.

It is not for me to presume to say what course your Lordship may in your wisdom think proper to take to recover this property, but as a body of ill-used Englishmen we feel confident that we shall not seek in vain at your Lordship's hands for immediate redress, through Her Majesty's Government, from the Government of Mexico, and instant restitution of that of which we have been so scandalously robbed.

Our Vice-Chairman, Mr. McGarel, will also have the honour of addressing your Lordship with a fuller statement than I have the means at hand of now making.

I have, &c.
(Signed) DAVID ROBERTSON.

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Inclosure 6 in No. 10.

*Mr. Hammond to Mr. Robertson.*

Sir, *Foreign Office, December* 21, 1860.

I AM directed by Lord J. Russell to acknowledge the receipt of your letter of the 15th instant respecting the recent robbery by the Mexican authorities of the funds belonging to the bondholders which were deposited in the city of Mexico, and I am to state to you in reply that Her Majesty's Government will take such measures as shall appear to them best calculated to obtain redress.

I am, &c.
(Signed) E. HAMMOND.

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## No. 11.

*Mr. Mathew to Lord J. Russell.*—(*Received February* 1, 1861.)

(Extract.) *Jalapa, December* 25, 1860.

I HAVE the honour to acknowledge your Lordship's despatch of the 11th of October, with respect to the suspension of payments of interest to the holders of the Convention and Mexican Loan Bonds.

I have the honour to inclose a copy and translation of the terms agreed upon by Captain Aldham,* by which payments are proposed to be resumed on the 1st January, with 10 per cent. extra from the 1st February to meet the arrears accruing from this suspension.

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## No. 12.

*Mr. Mathew to Lord J. Russell.*—(*Received February* 1, 1861.)

My Lord, *Jalapa, December* 25, 1860.

I REGRET extremely to have to state, with reference to your Lordship's despatch of the 31st October, that the well-meant act of General Degollado, in restoring to Mr. Consul Glennie the sum of 400,000 dollars (the supposed amount of British property in the conducta which that hitherto respectable officer had, with deplorable weakness, been led, by those around him, to seize), has been rendered of null effect by a series of circumstances of the most disagreeable nature.

I had the honour of transmitting to your Lordship General Degollado's letter, placing that amount at my disposal, and I beg now to transmit a copy of my reply, as well as of the instructions I forwarded at the same time to Mr. Consul Glennie.

In consequence of the permission thus sent him, Mr. Glennie conveyed the money in safety, after a most arduous and dangerous journey, to Tampico, having, for greater security, changed it from the sacks in which it had been handed over, by the officers appointed by General Degollado, into new ones, marked "Legacion de Su Majestad Británica;" the old sacks having been, as I am since informed, preserved, with the marks untouched, at Her Majesty's Consulate at San Luis Potosi.

Meanwhile, reclamations had been addressed to me, by Señor Pacheco, Her Catholic Majesty's Ambassador, and by the other Ministers, on the ground that among the sacks so restored were said to be some bearing the marks of Spanish, and other foreigners, and which should, therefore, it was alleged, be still deemed their property.

The money, however, had long passed from their hands by the act of the Representative of a Government who avowed their responsibility: so far from being the losers by the restoration to British subjects of their amount of loss, other foreigners were the gainers in the diminution in the sum to be claimed from the Constitutional Government, and it is notorious that, in all "conductas" from the interior, the marks on the sacks (generally, indeed, effaced by the journey on mules) are never attended to, but, as each sack holds the same amount (2,500 dollars), the number of sacks to which each person is entitled are handed at the port of embarkation to him.

I could not, therefore, concur in the legal right of others; but fully entering into the peculiar features of the case, and thinking it of primary importance that a good feeling should exist among all foreigners in their commercial undertakings in the present state of Mexico, I took upon myself to agree with Señor Pacheco on the restitution to all foreigners of any sacks proved to have contained moneys *bonâ fide* their property; and he dispatched the Acting Spanish Consul-General to Tampico to carry our arrangement into effect.

I received, however, the unexpected intelligence that the money had

* See "Agreements entered into with the Constitutional Authorities at Vera Cruz, by Captain Dunlop, R.N., and Captain Aldham, R.N." (presented to Parliament with this Correspondence), No. 6.

been seized by Governor Garza, at the entrance of Tampico, on the 2nd of November, and had been forcibly deposited in the Mexican Custom-house, on the requisition, avowedly, of M. de St. Charles, in his capacity as Acting Consul of France.

This person appears to have grounded the demand which led Governor Garza to the commission of this outrage on orders issued by the Constitutional Government, and communicated to the Consul of France at Vera Cruz (in a correspondence of which I beg to inclose the published copies), instructing General Degollado to restore the money of the conducta, or, if that were impossible, to return what might remain in equal ratio to the sufferers.

These orders, however, did not reach General Degollado until after a division of the spoils, and after the restitution to Mr. Glennie; and as soon as the Vera Cruz Government became aware of the fact, they communicated to Governor Garza, by the despatch of which I inclose a copy, the withdrawal of their previous order of distribution.

General Garza, therefore, intimated, on the 5th of November, to Mr. Consul Glennie his willingness to restore to his charge the money he had seized on the 2nd; but upon Mr. Glennie's demanding it at the Custom-house, he was informed it was retained by an order just received from the Federal Judge of the district, at the suit of the Acting Consul of France: and on the 13th instant, under a decree of this Judge, of which a copy and translation are annexed, the money was handed over to three merchants of Tampico for distribution among all parties interested in the original conducta, less, I am informed, by a considerable sum paid as "duties" to Governor Garza and for the legal costs.

I beg leave to call your Lordship's attention to the inclosed copy of a letter I addressed on the subject to the Comte de la Londe, before I was aware of this last act, to which, owing probably to the arrival of M. de Saligny, as well as to the difficulty of communication, I have as yet received no answer.

There can be no question of the impropriety of the conduct of Governor Garza in taking possession of money marked as belonging to Her Majesty's Legation, and under the care of Her Majesty's Consul; nor can I admit the jurisdiction of a Federal Judge in a case where the Federal Government had withdrawn its commands from want of jurisdiction. I must equally object to his sentence, which he mainly rests upon the incorrect statement that the original marks had been effaced by Mr. Consul Glennie.

It seemed, however, on consideration, that we had nothing to do with these legal proceedings, consequent upon the seizure of the money by Governor Garza, and that the proper course was to demand redress and repayment from the Constitutional Government at Vera Cruz for the original act of General Degollado, and for this subsequent seizure, which places British claimants in a stronger position than the sufferers by the first of these acts solely. I have, therefore, entered at some length into correspondence with Captain Aldham, and have urged upon him the necessity of taking the strongest steps, if necessary, to obtain redress and the security of early repayment.

I have felt it right to reject proposals of repayment evidently dependent on the success of the Constitutional party for realisation, and I regret that as yet I am unable to report to your Lordship any final result.

I have the honour to inclose copies of the last communications between Captain Aldham and myself.

Your Lordship will perceive that, in addition to the reprehension of Governor Garza, if he acted on his own authority, I have demanded an assignment of the duties at Vera Cruz and Tampico that may yet be free, for the payment of the sum due, together with interest at the rate of 12 per cent. per annum.

I have, &c.

(Signed) GEORGE B. MATHEW.

Inclosure 1 in No. 12.

*Mr. Mathew to Señor Degollado.*

Sir, *Mexico, October* 3, 1860.

I HAVE been favoured with your Excellency's communication of the 23rd ultimo.

While I am very sensible of the feeling (so flattering to me) which has induced you to place at my disposal the sum of 400,000 dollars, forming apparently the bulk of the British property in the conducta, I beg you will permit me to urge again and most earnestly upon your consideration the justice and policy of extending to all, as far as may still be possible, this restitution. Such an act cannot but tend to the advantage of your party and to your Excellency's honour.

I must, at the same time, set myself right with your Excellency with respect to my political course.

I have no hesitation in avowing my hearty concurrence in the principles of religious toleration and civil liberty proclaimed by your Excellency; but, beyond this, my duty prescribes to me a strict neutrality of action between the contending parties in this Republic; and my steps have, therefore, been limited to taking every opportunity of advancing and furthering the restoration of peace.

I have, &c.
(Signed) GEORGE B. MATHEW.

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Inclosure 2 in No. 12.

*Mr. Mathew to Consul Glennie.*

Sir, *Mexico, Oetober* 2, 1860.

I BEG to acknowledge the receipt of your communiction of the 23rd of September.

It is with unfeigned regret that I find your representations failed to induce General Degollado to restore to all parties the money seized in the conducta; and I have felt it my duty to urge again upon his Excellency, in the accompanying letter, that act of justice.

At the same time an official demand, whether on your part or mine, could only be pressed with regard to the property of Her Majesty's subjects; and, however unpleasant and invidious the position forced upon me, I am bound to accept and to acknowledge warmly General Degollado's conduct in yielding to that demand.

I have, therefore, only to request that you will require ample proofs in the distribution of the sum you have named (400,000 dollars) that the claims advanced are *bonâ fide* British property; all speculations or purchases of money by English subjects, after it was placed in the conducta, being held as secondary claims.

In the event of the 400,000 dollars being insufficient to cover the first claims an equal loss or per-centage must be incurred by the holders, and the balances due will be demanded at Vera Cruz.

If, however, there is an excess over the unquestionable English claims, primary and secondary, the amount must be returned to General Degollado; all extra expenses or losses incurred by the seizure being deducted.

I can only instruct you to take the best possible steps for the security of the money, whether by its temporary retention at the Consulate at San Luis, or by its progress towards a port of embarkation, as may suit the wishes of the owners; but you have my full sanction, should you desire it, to accompany the conducta yourself to the port, returning here immediately afterwards.

I have, &c.
(Signed) GEORGE B. MATHEW.

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Inclosure 3 in No. 12.

*Correspondence between the French Consul at Tampico and the Governor of Tamaulipas, &c.*

M. le Gouverneur, *Consulat de France à Tampico, le* 30 *Octobre,* 1860.

J'AI l'honneur de remettre à votre Excellence, en la suppliant de me les retourner aussitôt qu'elle en aura pris connaissance, les copies de la réponse faite à M. Doazan, Consul de France à Vera Cruz, par son Excellence M. le Ministre des Relations D. Melchor Ocampo, et de celle qu'a faite M. Glennie à M. E. Dauban, Vice-Consul de France à San Luis. L'ordre précis du Gouvernement résidant à Vera Cruz est que les 400,000 dollars soient réparties au prorata. M. Glennie attend des instructions de la Légation Britannique à Mexico pour la destination définitive de ces fonds. Je respecte, comme je le dois, l'ordre du Gouvernement Constitutionnel, et j'en demande l'accomplissement. Je n'ai rien à voir dans la mission de M. Glennie. Au nom de la justice, au nom des nombreux intérêts que je représente, je demande que ces fonds, venant sous la protection des autorités Constitutionnelles, soient déposés, aussitôt leur arrivée en cette ville, dans la maison d'un négociant de la confiance de votre Excellence, et qu'une Commission composée de négociants Français, Espagnols, Allemands, et Anglais, nommée par votre Excellence, fasse immédiatement la répartition ordonnée par le Gouvernement dont dépend votre Excellence. Tout délai, M. le Gouverneur, est une perte qu'il faut ajouter à toutes celles qu'a souffertes le commerce qui demande protection par mon intermédiaire. Je suis convaincu qu'on la lui accordera.

Recevez, &c.

Le Consul de France, d'Espagne, de Belgique, chargé des intérêts Italiens et Allemands,

(Signé) CH. DE SAINT CHARLES.

A M. le Gouverneur de l'Etat de Tamaulipas.

*Palais National, Vera Cruz, le* 25 *Octobre,* 1860.

Le Soussigné, Ministre des Relations du Gouvernement Constitutionnel du Mexique, a l'honneur de répondre à la note que M. le Consul de France, Jules Doazan, a bien voulu lui remettre en mains propres, hier au milieu du jour, note qui porte la date du même jour, et qui se réfère à la conduite d'espèces saisie par M. Degollado, en Septembre dernier, et à la suspension des Conventions Françaises. Par décision de son Excellence M. le Président, auquel il a rendu compte de la dite note, le Soussigné doit dire à M. le Consul: Que le Gouvernement Constitutionnel a décidé la restitution des fonds de la conduite prise par M. Degollado; qu'il a donné ses ordres aussitôt que ce fait est venu à sa connaissance, pour qu'on restituât immédiatement tous ces fonds; qu'ensuite, il a renouvelé ses ordres pour que, s'il n'était plus possible de restituer le tout, la partie qui en resterait encore fût répartie, au prorata, entre tous les propriétaires de ces fonds, et qu'il a des contrats pendants et des ordres dictés pour créer des ressources suffisantes pour que la conduite soit efficacement et promptement remboursée; qu'il considère comme une de ses premières et plus urgentes mesures le paiement de cette dette, et l'indemnité, pour les intéressés, des dommages et préjudices que leur a causés cette occupation; et qu'en attendant qu'il se procure d'autres ressources, il a employé déjà le moyen qui se trouvait le plus praticable pour lui, en assignant le produit de la vente des monastères pour réaliser, dès maintenant, cet objet important. Le Soussigné ne veut pas terminer la présente sans profiter de l'occasion pour porter à la connaissance de M. le Consul qu'aussitôt que M. le Président sût que la conduite d'espèces avait été écartée de sa route, il ordonna à M. Degollado de l'y faire rentrer et de faire le procès au coupable; qu'aussitôt qu'il sût ensuite, par la réponse de M. Degollado, que ce dernier était le coupable, il lui donna l'ordre de comparaître devant le Gouvernement pour s'y soumettre à un jugement; que lorsque, plus tard, il connut la rumeur d'après laquelle on avait remis ou on allait remettre une partie des fonds aux sujets Anglais, il donna l'ordre que ce

qui allait être restitué fût réparti entre tous les intéressés et dans la proportion convenable. M. le Consul peut se convaincre plus largement sur ces derniers points, par les copies des communications y relatives que le Soussigné joint à la présente, sous les Nos. 1, 2, et 3.

Le Soussigné, &c. (Signé) OCAMPO.

*Document No.* 1.

Excellence, *Ministère des Relations.*

Il a été présenté, dans ce Ministère, des réclamations officielles au sujet de la nouvelle faute qu'a commise, dit-on, M. le Général Santos Degollado en restituant la partie de la conduite qui appartenait à des créanciers Anglais. Ayant rendu compte de ces protestations si justes à son Excellence le Président, son Excellence a disposé que M. Degollado soit prévenu, s'il n'a pas fait la restitution de la conduite, comme l'ordre lui en a été donné, et s'il en conserve quelque partie qu'il pense restituer aux Anglais, qu'il remette cette partie dans quelque maison de commerce de toute sa confiance, dans l'intelligence que la restitution en sera faite, mais à tous les intéressés, dans la proportion des fonds qui leur correspondent. Que votre Excellence veuille donc donner ses ordres, dans ce sens, à M. Degollado ou à qui il correspond aujourd'hui, et les expédier le plus tôt possible et par divers conduits, pour éviter, autant que faire se pourra, que ces ordres s'égarent.

Veuillez, &c.

Dieu et Liberté.

*Vera Cruz, le* 19 *Octobre,* 1860.

(Signé) OCAMPO.

A son Excellence M. le Ministre de Guerre et Marine.

*Document No.* 2.

*Ministère de Guerre et Marine, Section 4ème.*

Réponse à la communication officielle du 19 Octobre, 1860:—

Excellence,

Sous cette date, je transmets à son Excellence M. le Général-en-chef de l'armée Fédérale, pour son accomplissement, la note de votre Excellence, dans laquelle vous me communiquez que son Excellence M. le Président Constitutionnel a bien voulu ordonner que si la dite Excellence M. le Général-en-chef n'a pas exécute l'ordre qui lui a été donné pour restituer la conduite qu'il a occupée, et s'il en conserve quelque partie, il la remette à une maison de commerce de toute sa confiance, afin qu'elle soit répartie entre tous les intéressés, dans la proportion qui correspond à chacun d'eux, et non seulement aux sujets Anglais, comme son Excellence M. le Président a appris qu'il allait être fait. Que votre Excellence veuille bien recevoir l'assurance de ma considération et de mon estime.

Dieu et Liberté.

*Vera Cruz, le* 20 *Octobre,* 1860.

(Signé) LLAVE.

A son Excellence M. le Ministre des Relations Extérieures.

*Document No.* 3.

Le No. 3 compris dans les documents qui ont été remis à M. le Consul de France à Vera Cruz, et dont copies ont été présentées au Gouvernement de l'Etat par celui de la dite ville, est le Décret qui est publié dans la partie officielle du present journal.

Je certifie.

(Signé) EMILIO VELASCO, *Oficial Mayor.*

*Gouvernement Constitutionnel de Tamaulipas.*

J'ai reçu hier, à 11 heures du matin, la communication de ce Consulat, datée du même jour, avec les documents auxquels elle se réfère.

On y demande :—

1. Que les 400,000 dollars remises par M. Degollado à M. le Consul Anglais, Glennie, à San Luis Potosi, et qui sont en route pour ce port, soient déposées, aussitôt leur arrivée, dans quelque maison du commerce qui soit de la confiance de ce Gouvernement.

2. Qu'une Commission, nommée par moi, composée de négociants Français, Allemands, Espagnols, et Anglais, fasse la répartition au pro rata qu'a ordonnée le Gouvernement Suprême Constitutionnel, entre tous les intéressées dans la conduite prise par M. Degollado.

La note du Consulat étant considérée sous ces deux aspects, la réponse de ce Gouvernement Suprême est très simple.

Le principe de justice et d'équité sur lequel se fonde la réclamation du Consulat est si clair, qu'il me suffit pour que j'accède à la demande, dans sa première partie, de sorte que, comme il ne résulte pour autrui aucun préjudice de cette mesure purement de précaution, la conduite sera déposée, dès son arrivée, dans une maison impartiale et de ma confiance absolue. Mais je ne puis, dès à présent, rien décider relativement à la seconde partie, tant que je n'aurai pas entendu M. le Consul Glennie, qui vient avec les espèces, suivant ce que j'ai appris.

Pour agir ainsi, ce Gouvernement a dû prendre en considération des raisons d'un grand poids :—

1. Jusqu'à ce jour, je n'ai pas reçu du Gouvernement Suprême Constitutionnel les instructions qu'il pourra me donner d'un moment à l'autre, et je ne puis les devancer.

2. Quand M. Degollado a remis à M. Glennie les espèces dont il s'agit, il en aura donné les motifs au Gouvernement Suprême et ce dernier aura pris une résolution que je ne puis préjuger.

3. Les résolutions suprêmes auxquelles se réfère le Consulat, à l'exception du Décret du 24 du courant, bien que je puisse les considérer comme décisifs, ne sont constatées, à mes yeux, que par les certificats des Consuls de Vera Cruz et Tampico, dans lesquels j'ai foi entière, mais ce n'est pas là le conduit par lequel je puis les apprendre, et en matière aussi délicate, dans le cas présent et vis-à-vis d'autres Consuls, je dois les considérer comme des documents particuliers.

4. Je prévois, en outre, que le même M. Glennie, dans son propre intérêt, est peut-être porteur d'ordres et d'instructions qui servent à éclairer ma conduite ultérieure, sur la répartition ou la destination finale de ces fonds.

En tous cas, ce Gouvernement agira avec la prudence, la circonspection, la dignité, et la justice qui ont toujours guidé sa conduite.

Je vous retourne les documents que vous avez joints à votre note sus-mentionnée et dont vous avez demandé la dévolution.

Je vous donne, &c.

Dieu et Liberté.

*Tampico, le* 31 *Octobre,* 1860.

(Signé) JUAN JOSE DE LA GARZA.
EMILIO VELASCO, *Oficial Mayor.*

A M. le Consul de France, d'Espagne, et de Belgique,
Chargé des intérêts Italiens et Allemands.

*Gouvernement de l'Etat de Tamaulipas.*

Sous la date d'hier, j'ai dit à M. le Consul de France ce qui suit : —

"J'ai reçu hier, à 11 heures du matin," &c. (la note qui précède).

Et je vous le transcris pour votre intelligence, ce Gouvernement ayant disposé que les fonds de la conduite soient déposés à la douane maritime de ce port, jusqu'à ce que j'aie eu une conférence avec vous, espérant que

cette mesure ne recontrera aucune opposition de votre part, car elle a le caractère d'une pure précaution.

Dieu et Liberté.

*Tampico, le 1 Novembre*, 1860.

(Signé) JUAN JOSE DE LA GARZA.
EMILIO VELASCO, *Oficial Mayor.*

A M. le Consul-Général de Sa Majesté Britannique.

*Gouvernement de l'Etat de Tamaulipas.*

Sous la date d'hier, j'ai dit au Consul de France ce qui suit :—

"J'ai reçu hier, à 11 heures du matin," &c.

Et je vous le transcris pour votre intelligence, ce Gouvernement ayant décidé, pour l'exécution de la résolution qui précède, que les fonds de la conduite seront déposés dans cette douane ; vous surveillerez l'accomplissement de cette disposition, en gardant en dépôt les fonds dont il s'agit, jusqu'à nouvel ordre.

Recevez, &c.

Dieu et Liberté.

*Tampico, le 1 Novembre*, 1860.

(Signé) JUAN JOSE DE LA GARZA.
EMILIO VELASCO, *Oficial Mayor.*

A M. l'Administrateur de la Douane Maritime de ce Port.

*Secrétariat du Ministère de l'Intérieur.*

Ayant appris, après avoir expédié l'ordre suprême que j'ai communiqué à votre Excellence, pour qu'on répartit la part qui doit arriver dans votre place, de la conduite occupée dans l'intérieur, que cette part est sortie du domaine des autorités et des forces Mexicaines, puisqu'elle se trouve au pouvoir de particuliers étrangers, son Excellence M. le Président Constitutionnel intérimaire a bien voulu décider qu'il soit dérogé à l'ordre susmentionné que j'ai communiqué à votre Excellence.

Ce que j'ai l'honneur de faire savoir à votre Excellence, par ordre de son Excellence M. le Président, pour que vous vous absteniez de faire aucune démarche à cet égard.

Je réitère, &c.

Dieu et Liberté.

*Vera Cruz, le 2 Novembre*, 1860.

(Signed) EMPARAN.

A son Excellence M. le Gouverneur de l'Etat de Tamaulipas, Tampico.

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Inclosure 4 in No. 12.

*Judge's Decision.*

*Tampico de Tamaulipas, le 13 Novembre*, 1860.

VU, dans tout son contenu, le dossier formé sur la demande de M. Charles de Saint Charles, Consul de France, d'Espagne, et de Belgique, chargé des intérêts Italiens, et autorisé par ses collègues de Prusse, d'Oldenbourg, et de Hambourg, tendante à ce qu'on distribue, au prorata, entre les intéressés, le reste d'une conduite d'argent qui se trouve déposé à la douane maritime de ce port ; vu la demande qu'a présentée le dit Consul, la mesure préservatoire qu'a décrétée ce tribunal, à sa requête, et la caution correspondante et préalable de *rato* et *grato*, de même que les documents qui ont été présentés et tout ce qui résulte de la procédure et qu'il a été convenable d'examiner ; considérant :—

1. Qu'il est public et notoire qu'au commencement de Septembre dernier, une conduite d'espèces se dirigeait sur cette place, et qu'ayant été détenue dans les environs de la ville de San Luis Potosi, ella a changé de route et a été transportée à Lagos, par disposition de son Excellence M. le Général-en-chef Santos Degollado, fonctionnaire qui a publié un manifeste sur cette affaire.

2. Que, sur la dite conduite, la somme de 400,000 dollars a été

restituée à M. F. Glennie, Consul de Sa Majesté Britannique à Mexico, en service spécial, et que la dite somme ayant été transférée au Consulat Britannique de San Luis Potosi, a été, plusieurs jours après, conduite à ce port où elle a été déposée à la douane maritime, par ordre de son Excellence M. le Gouverneur de l'Etat, comme mesure de précaution, sur la demande de M. le Consul de France susnommé.

3. Que peu de jours après, le 4 du courant, ce tribunal a reçu de son Excellence M. le Ministre de la Justice et de l'Instruction Publique, une recommandation par laquelle son Excellence le prévenait que dans les réclamations qui lui seraient soumises sur cette affaire, il administrât prompte, complète, et impartiale justice conformément aux lois.

4. Que, pour ce motif, et en accomplissement de ses attributions, ce tribunal n'a pas vu d'inconvénient à admettre la demande que, le jour suivant, intenta M. le Consul de France susnommé en offrant et présentant la caution voulue pour représenter les sujets intéressés dans la conduite d'espèces.

5. Que, malgré la notification qui fut faite de la dite demande à M. le Consul de Sa Majesté Britannique, F. Glennie, conformément aux prescriptions de la loi, ce dernier ne voulut pas entendre la notification qu'alla lui faire l'huissier (actuario), et qu'il ne fut pas possible de lui laisser la cédule instructive que prescrit le Décret du 22 Novembre, 1855, M. Glennie ayant déclaré que l'autorité du tribunal ne devait pas intervenir dans cette affaire.

6. Que, tant en raison du décorum et de la dignité de son noble ministère que parceque M. le Consul de France a insisté dans sa demande. ce tribunal a dû poursuivre les autres formalités par défaut ("en rebeldia"), en déclarant considérer comme suffisante la salle même du Tribunal ("los Estrados"), conformément aux dispositions des Articles 1, 2, 3, du titre 5, livre 11 de la "Novisima Recopilacion."

7. Que M. le Consul de France a demandé que ce qui reste de la conduite soit distribué au prorata, entre tous les intéressés, et qu'il soit nommé, à cet effet, une Commission composée d'individus de diverses nationalités, pour que, en se procurant une collection complète des documents, elle procède à pratiquer l'opération, conformément au capital que chacun des dits intéressés a mis à la conduite.

8. Que la question placée à son véritable point de vue repose sur deux points de fait qui sont pleinement justifiés, puisque la conduite d'espèces a été enlevée aux conducteurs qui l'amenaient à ce port, pour son exportation et que, peu de jours après, la somme qui fait l'objet du litige a été restituée à M. le Consul Anglais, F. Glennie, qui l'a reçue à Lagos et, après son arrivée à San Luis, a apposé une nouvelle marque aux colis qui contenaient l'argent, en faisant disparaître les marques primitives, suivant qu'il l'a avoué lui-même dans une communication qu'il a adressée de Peotillos à M. le Vice-Consul Français à San Luis.

9. Que l'esprit d'association qui se développe chaque jour davantage avec la civilisation moderne, a établi, sans aucun doute, le système de transporter des espèces aux ports au moyen de conductas ; car, de cette manière, les commerçants se procurent plus de sécurité, font de plus grandes économies dans les frais, et réalisent cette entreprise à certaines époques déterminées de l'année.

10. Que les commerçants ou propriétaires de l'argent, en célébrant le contrat de louage avec les conducteurs, ont, en leur faveur, la garantie que ces derniers sont responsables de l'argent qu'ils conduisent, à moins que les pertes, les égarements, les dommages, et les avaries proviennent sans qu'ils en aient la faute, de cas fortuit qu'ils n'ont pu éviter, ou d'une violence insurmontable, ou de la nature et des vices propres à la chose même, suivant l'opinion de l'habile jurisconsulte Joaquin Escriche, qui cite les Lois 8 et 26, titre 8, 15e partida.

11. Que les conducteurs qui transportaient à ce port les valeurs susmentionnées se sont trouvés dans un de ces cas, et qu'une partie de ces valeurs ayant été restituée, comme il a été dit antérieurement, il n'est pas juste qu'en profitent uniquement une partie des commerçants qui se sont associés pour former la conducta, d'autant mieux qu'une fois effacées les marques, comme c'est le cas actuel, il est impossible de désigner ou de

spécifier le droit des commerçants à des colis déterminés, puisque l'argent, considéré comme un signe de la richesse publique, est marqué avec un même coin et a d'autres traits de ressemblance qui confondent les espèces entre elles.

12. Que la confusion des colis, opérée sous la responsabilité de M. le Consul de Sa Majesté Britannique suivant qu'il l'a manifesté dans la communication dont il est question plus haut, est le meilleur droit qu'aient en leur faveur tous les individus qui ont mis leurs valeurs à la conduite, pour que les tribunaux décident que la distribution de la partie qui a été restituée leur soit distribuée au prorata ; car étant, comme elle l'est, le reste d'une chose commune qui a disparu par une violence insurmontable, et qui ne peut être adjugée partiellement, en particulier, à aucun des propriétaires communs, en raison de ce que la confusion a effacé les signes primitifs de la propriété, le droit commun nous enseigne, que, dans les associations, les bénéfices comme les pertes doivent être épartis proportionnellement, suivant les termes de la Loi 7, titre 10, 5e partida.

13. Que la question posée en termes aussi clairs et précis, il n'y aura aucune difficulté pour la résoudre conformément aux principes de notre législation, car cette part ou ce reste de la conduite étant une propriété de toutes les personnes qui y avaient un intérêt, il est évident que la distribution doit en être faite au prorata, pour ne favoriser ni léser les droits de personne.

En vue de tout ce qui précède, et des autres allégations et preuves fournies tant par M. le Consul de France que par les Représentants des autres nations, et attendu que M. le Consul de Sa Majesté Britannique, F. Glennie, n'a rien allégué, par suite de son défaut et de sa contumace je devais déclarer, comme je déclare, que le reste de la conduite, qui se trouve déposé dans les magasins de la douane maritime, appartient, en commun et au prorata, à tous les individus qui y ont remis leurs valeurs, déterminant, en conséquence, que la distribution des fonds soit faite par l'intermédiaire d'une Commission composée de commerçants de nationalités diverses, Commission qui sera proposée par les intéressés qui résident dans ce port, et qui, à cet effet, fourniront la caution voulue, suivant que l'a demandé M. le Consul de France.

Que cela se fasse savoir, et qu'il soit délivré des témoignages de la présente sentence, pour les adresser officiellement à son Excellence M. le Président Constitutionnel, et à son Excellence M. le Gouverneur de l'Etat, le présent dossier devant, en cas le besoin, être soumis à la révision du supérieur immédiat. Et, par le présent, jugeant définitivement, ainsi l'a statué, ordonné et signé M. le Juge de Première Instance et Intérimaire du district de l'Etat, licencié D. José Maria de Orta y Espadero, devant moi, qui l'ai assisté, en conséquence de la maladie de l'escribano du tribunal.

Je donne foi :

(Signé) Lic. JOSE MARIA DE ORTA Y ESPADERO.

Devant moi :

(Signé) Gregorio Pelaez.

Suivent les notifications faites de la sentence qui précède :—

1. A M. le Consul de France, Charles de Saint Charles, qui, en représentation de tous les intéressés, a proposé, pour la composition de la Commission de Répartition, MM. Dionisio Camacho, Edouard Claussen, et Victor Garcia, négociants de diverses nationalités, résidant à Tampico.

2. A M. le Promoteur Fiscal.

3. Et en plein tribunal vu le défaut de M. Glennie.

Enfin tous les documents qui précèdent ont été certifiés par l'Escribano Public et de Finances.

(Signé) Jorge Diaz.

Inclosure 5 in No. 12.

*Mr. Mathew to the Comte de la Londe.*

M. le Chargé d'Affaires, *Jalapa, le* 18 *Novembre*, 1860.

JE suis en droit d'espérer que l'explication que j'ai eu l'honneur de vous donner, avant mon départ de Mexico, à propos de la restitution de l'argent de mes compatriotes, vous a paru claire, puisque je n'ai pas reçu d'autre communication de votre part à ce sujet.

Depuis ce temps j'ai reçu des réclamations de son Excellence l'Ambassadeur de Sa Majesté Catholique dans la supposition que parmi les sacs (de 2,500 dollars) remis à M. le Cousul Glennie, comme mon représentant, par l'officier nommé à cet effet, se trouvaient plusieurs qui portaient les marques de propriétaires Espagnols.

Et quoique je n'ai pas pû reconnaître une valeur légale à ces réclamations, dans les circonstances exceptionnelles de ce cas, je suis tombé d'accord avec son Excellence dans le désir de régler cette désagréable affaire de la manière la plus amicale, de rendre à tous les étrangers intéressés aucuns sacs tenant leurs marques et dont le contenu était *bonâ fide* de leur propriété.

J'apprends que la vérification nécessaire à cet objet aurait été facile, puisque tous les premiers sacs ont été gardés sous le sceau Consulaire à San Luis.

Le Consul ad interim de Sa Majesté Britannique à Mexico a dû, d'après mes instructions, porter cet arrangement à votre connaissance; et je ne pense pas, M. le Chargé d'Affaires, qu'on puisse désirer plus, ou qu'on soit en droit de s'attendre à partager les fonds de mes compatriotes, qui leur ont été restitués par la présence et l'énergie de M. le Consul Glennie.

C'est donc avec un vif regret que je me trouve dans le devoir de vous faire savoir que les démarches peu convenantes d'un employé Consulaire de Sa Majesté Impériale ont interrompus les suites de notre arrangement.

L'argent qui m'était restitué fut déposé dans le Consulat de Sa Majesté Britannique à San Luis, et M. le Consul Glennie l'a conduit personnellement à travers quelques dangers, jusqu'à Tampico, ayant eu soin de le mettre dans de nouveaux sacs, marqués du nom de cette Légation, pour plus grande sûreté.

Vous serez, je ne puis douter, Monsieur, justement indigné d'apprendre que ce convoi, sous mon nom et sous la sauvegarde du Consul de Sa Majesté Britannique à Mexico, fut saisi à l'entrée de Tampico par le Gouverneur (Garza) sur la demande avouée de M. de St. Charles, en sa qualité de Consul ad interim de Sa Majesté Impériale, et placé dans la Douane Mexicaine.

J'ai l'honneur de vous transmettre ci-jointes les copies de la correspondance qui a eu lieu à la suite, entre MM. St. Charles et Glennie, qui a offert en vain au premier sa parole que l'argent ne serait pas embarqué sans sa pleine connaissance.

L'outrage commis contre cette Légation par la saisie de ce convoi ne peut nullement s'excuser par la publication d'un ordre adressé par le Gouvernement de Vera Cruz au Général Degollado, de rendre l'argent de la conducta qu'il avait si indignement saisie, ou de faire, au moins, une division entre toutes les personnes dépouillées, de ce qui restait, car ce Gouvernement a reconnu que ses instructions à cet effet ne sont pas arrivées à temps, que l'argent avait été dissipé entre les chefs, et que le restant avait été déjà restitué à cette Légation, et par conséquent a jugé à propos d'expédier un ordre impératif au Général Garza de rendre l'argent dont il s'était saisi, au Consul de Sa Majesté Britannique.

De cette manière l'arrangement proposé aurait été remis en voie d'exécution, mais il parait que M. St. Charles a trouvé encore une fois le moyen d'y mettre empêchement, en portant plainte, je ne peux concevoir sur quel fondement, au Tribunal du Juge del "Distrito," et aux dernières nouvelles l'argent restait exposé à de grands risques, sous le mandat de ce dernier, à la Douane. Je me persuade, Monsieur, que vous serez d'accord avec moi, que si il y a des différences d'opinion entre les Légations étrangères, ou des réclamations à faire entre eux, ce n'est pas par des

procédés de la nature adoptées par M. St. Charles qu'elles doivent se régler, surtout dans l'état actuel du Mexique, et je me permets en conséquence d'espérer que vous trouverez bien de reprouver sa démarche et d'y mettre fin.

Je dois vous observer qu'en attendant, l'argent est exposé à de grands dangers, et que le Gouvernement de Sa Majesté Impériale en deviendrait naturellement responsable, par les actes de ses employés.

Veuillez, &c.

(Signé) GEORGE B. MATHEW.

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Inclosure 6 in No. 12.

*Captain Aldham, R.N., to Mr. Mathew.*

(Extract.) *"Valorous," off Sacrificios, December 7,* 1860.

I HAVE the honour to acknowledge the receipt of your despatches, two dated the 2nd and one the 1st of December.

In reference to the one desiring me to demand immediately the repayment of a sum of money belonging to British subjects taken from a conducta, amounting in the whole to 443,499 dollars 64 reals, as per margin,* I beg leave before communicating on the subject with the Vera Cruz Government to make a few suggestions, not that it is my desire to offer objections to so just a demand, but your opinion on them will be a guidance as to the most efficacious mode of its being complied with.

In the first place, the amount you have named appears to me to be beyond what is required, considering that one-third or thereabouts has been given up to the owners or their agents; considering also the difficulties this Government are labouring under, increased as they are at this present moment by the heavy expenses daily incurred in sustaining an army of 40,000 men, who have now surrounded the city of Mexico with every hope of its falling into their hands, which, should it so happen, the majority of their difficulties would be ameliorated, and they would then have no excuse for not paying the amount with interest.

Again, what is to be done if, on my demanding this sum, and insisting on its payment at once, the authorities reply that they have not so large a sum in their Treasury, nor the means of raising it so suddenly, which I am well assured is the unfortunate position of the Government at this moment? I well know that the claims of those merchants whose funds have been seized are just and well founded, and ought to be speedily redressed, but it is a question whether it will not be more injurious, and even injudicious to them, as well as to British interests in general, to overpress this Government at this present crisis, than after having laid our demands before them to grant them a reasonable time to collect the amount required.

In your despatch of the 1st instant there is an allusion to the possibility of the Constitutional Government declaring itself unable to pay the interest even of its debts, and in such a case you know not what course Her Majesty's Government are prepared to take. It is a difficult point. But of this there can be no doubt, that if too great a pressure is applied to enforce these reclamations peremptorily, they will have no alternative but to do so from sheer necessity; the result of which will be a cessation of all payments, the Dunlop Convention disregarded, and British commerce put an end to at this port.

To take possession of the castle or the town would be to annihilate British interests, and throw our commerce into the hands of the Americans, who would give it ingress into the country by the frontier.

Requesting your opinion on the subject, I have, &c.

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|---|---|
| * Those of Her Majesty's subjects amounted to .. .. | $428,669 51 |
| Expenses to Tampico .. .. .. .. | 14,830 13 |
| Making a total of .. .. .. .. | $443,499 64 |

Inclosure 7 in No. 12.

*Mr. Mathew to Captain Aldham, R.N.*

(Extract.) *Jalapa, December* 9, 1860.

I HAVE the honour to acknowledge your despatch of the 7th, respecting the debt due to Her Majesty's subjects in consequence of the robbery of the conducta by General Degollado, and of the subsequent seizure of the amount restored to Her Majesty's Consul by Governor Garza at Tampico.

I beg at the same time to thank you for the various important suggestions contained in your letter, to which I shall endeavour to give full consideration, well aware as I am of the high motives by which they are prompted.

Correspondence is so impeded in the disorganised state of this country, that I am without news from Tampico since the departure thence of Mr. Glennie. At that moment the British claimants had protested against the action and award of the Judge, as also against the payments for legal expenses, and for duties to the Governor, and had refused the amounts tendered them.

It became, therefore, necessary in my reclamations to the Constitutional Government, to ask the entire sum, or such part thereof as may still be due.

With regard to the interest, at the rate of 12 per cent. per annum, I must first observe, that it has become almost a system during this civil war, to seize money in the interior to be repaid in Mexico or in Vera Cruz, by which an enormous rate of exchange is saved. It must also be remembered that the British sufferers will be exposed to a heavier loss than 12 per cent. by the failure of their remittances in England, and that there is but little prospect (I fear possibility) of their immediate repayment.

I think that you will concur with me, under these circumstances, in deeming my demand requisite and just.

I am fully conscious of the difficulties under which the Constitutional Government labour, and I give them due credit for having, until these recent acts, abstained from the exactions so constantly perpetrated on foreigners by the Miramon Government.

But if poverty is accepted as an excuse for reparation, it becomes an incentive to outrage.

I draw, too, a broad distinction between the inability of a Government to continue its stipulated payments for the liquidation of its debts, and the alleged impossibility to refund money forcibly seized and plundered.

In such a case, Her Majesty's Government cannot, I apprehend, take into their consideration the necessity of maintaining a large army in the field, which Señor Ocampo puts forward.

Indeed, such an excuse only furnishes additional evidence that both parties are intent upon carrying on their civil war with money plundered or exacted from foreigners and from foreign commerce.

The Constitutional Government is in entire possession of the country, with the exception of the capital and Puebla, and has within their power the property of those who are in arms for and upholding their opponents, but they prefer to avail themselves, however unjustifiably, of the resources of foreigners.

Nor can I put out of sight the certainty that other nations will enforce their reclamations, and make sure of the prominent resources, if our previous and stronger claims are not provided for.

In this disagreeable and difficult position I see no alternative but in the forcible occupation of the Custom-houses of Vera Cruz and Tampico (and, if necessary, of those places), should our just demands be rejected.

I do not perceive any ground for the apprehension that this course would be in any way injurious to British interests or commerce, or to British residents.

In this view, I took the liberty of suggesting to you, before the last packet, the question of applying for additional force to the Admiral on the Station.

But at the same time, if thus clearly prepared for the disagreeable necessity of coercion, I entertain a firm conviction that the Constitutional Government will yield our demands, when they perceive that force will otherwise be used.

The offers made by Señor Ocampo prove (if they are honestly founded) that the Vera Cruz Government look to other large sources of revenue besides the import duties, and I am thus strengthened in my opinion that the circumstances of the case and the position of the country render necessary and justify my demand for the assignment of the part of the import duties at Vera Cruz and Tampico, free, or hereafter free, from any Convention with foreign Powers, to Commissioners, who after paying the legal expenses of collection, shall defray the admitted claims of Her Majesty's Government.

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No. 13.

*Mr. Mathew to Lord J. Russell.*—(*Received February* 1, 1861.)

My Lord, *Jalapa, December* 30, 1860.

I HAVE received yesterday, and this day, from Her Majesty's Consul in Mexico, accounts of important occurrences which greatly change the aspect of affairs in this Republic, and offer some hope of its better future condition.

On the 22nd instant General Miramon, who had marched out with about 8,000 men, to meet the Constitutional forces under Gonzalez Ortega and Zaragossa, in their advance upon the capital, suffered a complete defeat, and re-entered Mexico accompanied only by Generals Marquez and Cobos, and three or four officers.

At his request, the Spanish and French Ministers had an interview with General Ortega on the following day, in the view, I am informed, of obtaining certain terms for his chief leaders and himself, but they failed in their object, and General Miramon and the most obnoxious men of his party fled, or concealed themselves during the night.

On the 25th General Ortega occupied the city amidst general rejoicings, and Mr. Consul Glennie informs me that the most perfect order prevailed.

The laws of church reform, liberty of the press, and trial by jury, were proclaimed in force, and President Juarez and his Government were daily expected.

I am induced to believe that the deplorable civil war waged by the clergy and their portion of the army against the principles of civil and religious liberty for the last three years, is thus terminated; for although General Miramon, Marquez, and one or two others—still, unfortunately for the interests of humanity, at liberty—may carry on for a time a guerilla warfare, their atrocities have armed all men against them, and the want of resources from the Church must preclude their gaining any ground.

But though I, therefore, conceive the main points on which alone the nationality of Mexico can be maintained are for the present secured, I am far from indulging in the belief of any certainty for the future, and cannot but entertain, indeed, great doubt as to the possibility of forming, without at least the weight of moral support from some foreign nation, any stable Government in Mexico.

Under the Decree of Señor Juarez, given at Vera Cruz on the 6th of November last, calling a Congress, under the Electoral Law of 1857, the members will be elected throughout the country, and a President of the Republic be named in the month of January, and Congress will assemble in the capital on the 19th of February.

The prominent candidates for the Presidency are Messrs. Lerdo, Ortega, Degollado, and Comonfort.

Upon the action of this Congress, and upon their mode of reforming the Constitution of 1857, the future of Mexico depends; but the difficulties in the way of any permanent peace are evidently great.

The number of restless spirits the civil war has called forth, the

general disorganization and demoralization consequent on its atrocious character and on its duration, and the deplorable financial position of an exhausted nation, embarrassed further, as it will be, by immense foreign reclamations, the greater portion of which have arisen (and probably with design as a source of future trouble) from the acts of the Church party, will place the new Government in circumstances of great difficulty and peril.

I have, &c.
(Signed) GEORGE B. MATHEW.

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No. 14.

*Lord J. Russell to Mr. Mathew.*

Sir, *Foreign Office, February* 1, 1861.

I HAVE received your despatch of the 30th of December, reporting that the Liberal leaders, after completely routing General Miramon, had established themselves in the capital.

I had already informed you, in my despatch of the 12th ultimo, of the conditions upon which Her Majesty's Government, while still in ignorance of the result of the campaign, were prepared to acknowledge the Government of which Señor Juarez is the Head. That Government would seem, by force of arms, to have made good its title to be recognized as the legitimate Government of the Republic; and Her Majesty's Government are disposed, subject to the acquiescence of that Government in the conditions specified in my above-mentioned despatch, to give to it the moral support of Great Britain: but British subjects have sustained grievous wrongs at the hands of Mexico; and however friendly may be the disposition of the British Government towards that Republic, they cannot forego the many just claims of British subjects to redress for those wrongs.

I am, &c.
(Signed) J. RUSSELL.

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No. 15.

*Lord J. Russell to Mr. Mathew.*

Sir, *Foreign Office, February* 5, 1861.

HER Majesty's Government approve the terms, as reported in your despatch of the 25th of December last, upon which Captain Aldham has arranged with the authorities at Vera Cruz that the latter shall resume payment of the assignments on account of the bondholders and the British Convention.

I am, &c.
(Signed) J. RUSSELL.

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No. 16.

*Lord J. Russell to Mr. Mathew.*

Sir, *Foreign Office, February* 7, 1861.

I HAVE received your despatch of the 25th of December last, respecting the fate of the 400,000 dollars made over to Mr. Consul Glennie by General Degollado, as representing the amount of British property involved in the seizure by that General of a conducta of specie on its way to the coast.

The circumstances of the case appear to be that, on hearing of the seizure of the conducta, you despatched Consul Glennie to General Degollado with instructions to endeavour to effect the release of the whole of the money of which it was composed, and in which the merchants of other countries as well as of England had an interest; that Consul Glennie having failed in inducing General Degollado to abandon the whole of his booty, succeeded, nevertheless, in obtaining from him the estimated

amount of the British interests, namely, 400,000 dollars, with which Mr. Glennie proceeded in safety to Tampico. On its arrival at that place, however, the money was attached by order of the Constitutional authorities on the ground that other foreigners had an interest therein; and when this attachment was removed a judicial sentence was obtained at the instigation of a foreign Consular Officer, in virtue of which the money was made over to a Committee of merchants for rateable distribution among the foreigners generally who had suffered by the pillage of the conducta.

Her Majesty's Government had been prepared to contend that under the circumstances which attended the cession of the 400,000 dollars to Consul Glennie, the exclusive appropriation of that sum for the satisfaction of British losses was a matter of unquestionable right. But as the case now stands any discussion on that point would be unavailing; and Her Majesty's Government must fall back on their original right to obtain full satisfaction from the authorities by whom General Degollado was employed, for a grievous robbery committed by that General on British property. Her Majesty's Government leave to other Powers to obtain payment as they may deem fit; but Her Majesty's Government will enforce from the Government of Señor Juarez, as they are fully entitled to do, complete compensation for British losses on this occasion, which seem to amount to somewhat more than 400,000 dollars.

Against the sum to be now claimed on British account there must, of course, be set so much as was appropriated to British subjects out of the 400,000 dollars; but you will at once apply to the Government of General Juarez to make an early settlement in regard to the balance due to British subjects; and you may say that, however reluctant we may be to press the new Government of Mexico, at the moment of its installation, for an immediate settlement of all outstanding British claims, the present claim is one for which the Government of Mexico, for the time being, is so clearly and directly answerable that Her Majesty's Government must insist on its being provided for without delay.

I am, &c.
(Signed) J. RUSSELL.

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No. 17.

*Lord J. Russell to Mr. Mathew.*

(Extract.) *Foreign Office, February 7, 1861.*

AS regards the plunder of 660,000 dollars of British property, deposited for safe-keeping in the house which you occupied up to the time of your departure from Mexico, I have to refer you to my despatch of the 12th of January, and to instruct you to make it clear to whatever Government may hold authority in Mexico when this despatch reaches you, that Her Majesty's Government will require from the Republic of Mexico, whoever may be its rulers, full and early repayment of the money so violently seized by the Constitutional authorities in the capital at the time of seizure.

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No. 18.

*Lord J. Russell to Mr. Mathew.*

Sir, *Foreign Office, February 7, 1861.*

HER Majesty's Government would fain hope that the overthrow of the Government of General Miramon will be followed by the establishment in Mexico of a Government able to maintain order in the country, and willing to fulfil its international engagements.

Her Majesty's Government have long urged on successive Governments of Mexico the claims of Her Majesty's subjects for wrongs and outrages committed on their persons and property; and Her Majesty's Government must hold the ruling Government of the country, from whatever party it may be drawn, fully responsible for the redress which is due to British subjects.

I have therefore to instruct you to present to the Mexican Government which shall be installed when this despatch reaches you, a full statement of British claims, and to require that measures be taken at the earliest moment for their settlement.

You will send home a copy of such statement.

I am, &c.

(Signed) J. RUSSELL.

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No. 19.

*Mr. Mathew to Lord J. Russell.—(Received February* 28.)

(Extract.) *Jalapa, January* 28, 1861.

I AM sorry to say that the restoration of the Constitutional Government in the capital has been attended by a violent and impulsive act in the delivery of passports to the Ambassador of Her Catholic Majesty, the Pope's Nuncio, the Minister of Guatemala, and the Chargé d'Affaires of Ecuador.

I have the honour to inclose copies and translations of the correspondence between Señor Ocampo and these gentlemen, who, with the exception of the last named, have, I understand, arrived at Vera Cruz.

It is very generally rumoured that an offer was made subsequently to withdraw the order of expulsion, but that it was rejected.

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Inclosure in No. 19.

*Correspondence between Señor Ocampo and MM. Pacheco, Del Barrio, and Pastor.*

(Traduction.) *Secrétairerie d'Etat, Ministère des Affaires Etrangères.*

SON Excellence M. le Président Intérimaire Constitutionnel ne peut voir en vous qu'un ennemi de son Gouvernement, à cause des efforts que vous avez faits en faveur des usurpateurs rebelles qui ont occupé cette ville pendant ces trois dernières années. Son Excellence ordonne, en conséquence, que vous quittiez cette ville et la République dans le délai strictement nécessaire pour préparer et effectuer votre voyage.

Son Excellence M. le Président respecte et estime l'Espagne autant que les autres nations amies, mais vous ne devez pas, comme individu, continuer à résider dans la République. C'est donc par des considérations qui vous touchent personnellement que M. le Président s'est décidé à prendre cette résolution.

Dieu et Liberté

*Mexico, le* 12 *Janvier*, 1861.

(Signé) OCAMPO.

A M. Francisco Pacheco.

*Secrétairerie d'Etat, Ministère des Affaires Etrangères.*

Il ne convient d'aucune façon au Gouvernement Constitutionnel de la République que vous y restiez après les sacrifices qu'a coûtés à ce Gouvernement l'établissement de l'ordre légal, après qu'il a été versé tant de sang dans ce pays, et cela par la part scandaleuse que le Clergé a prise dans la guerre civile. Aujourd'hui que l'ordre constitutionnel est rétabli, son Excellence M. le Président vous fait savoir que vous devrez sortir de la République dans le délai strictement nécessaire pour faire vos préparatifs de voyage.

Dieu et Liberté.

*Mexico, le* 12 *Janvier,* 1861.

(Signé) OCAMPO.

A M. Luis Clementi,
Archévêque de Damas.

*Secrétairerie d'Etat, Ministère des Affaires Etrangères.*

Son Excellence M. le Président intérimaire ne peut voir en vous qu'un ennemi de son Gouvernement, à cause des efforts que vous avez faits en faveur des usurpateurs rebelles qui ont occupé cette ville pendant ces trois dernières années. Son Excellence ordonne, en conséquence, que vous quittiez cette ville et la République dans le délai strictement nécessaire pour préparer et effectuer votre voyage.

Son Excellence M. le Président respecte et estime la République de Guatemala autant que les autres nations amies; mais vous ne devez pas, comme individu, continuer à résider dans la République. C'est donc pas des considérations qui vous touchent personnellement que M. le Président s'est décidé à prendre cette résolution.

Dieu et Liberté.

*Mexico, le* 12 *Janvier,* 1861.

(Signé) OCAMPO.

A M. Felipe Neri del Barrio.

*Secrétairerie d'Etat, Ministère des Affaires Etrangères.*

Son Excellence M. le Président intérimaire Constitutionnel se voit avec peine dans la nécessité de vous considérer comme un des ennemis de son Gouvernement, à cause des efforts que vous avez faits en faveur des rebelles qui ont occupé cette ville durant ces trois dernières années. En conséquence, son Excellence vous accorde pour sortir de cette ville et de la République le délai strictement nécessaire pour vos préparatifs de départ et votre voyage.

Son Excellence M. le Président respecte et estime la République de l'Ecuador à l'égal de toutes les nations amies; mais vous ne devez pas, comme individu, continuer à résider au Mexique.

C'est donc par des considérations qui vous touchent personnellement que son Excellence M. le Président s'est décidé à prendre cette résolution.

(Signé) OCAMPO.

A. M. Francisco de P. Pastor.

*Ambassade d'Espagne au Mexique.*

Le Soussigné, Ambassadeur de Sa Majesté Catholique, a reçu la communication à lui adressée personnellement, et encore sous un nom inexactement écrit, en date d'hier, par son Excellence M. de Ocampo, Ministre par interim des Affaires Etrangères. Le Soussigné ne se propose pas de discuter cette singulière communication. Il se contentera de dire à M. Ocampo que n'étant pas venu au Mexique comme simple particulier, mais seulement comme Ambassadeur de la Reine d'Espagne, ainsi qu'il est constaté dans les archives du Palais, toute note officielle à lui adressée personnellement ne saurait avoir d'autre caractère que celui d'une note adressée à l'Ambassadeur de la Reine d'Espagne. Il lui reste à dire qu'il partira de Mexico et sortira du territoire de la République avec tout le personnel de l'Ambassade, dans le délai strictement nécessaire pour faire les préparatifs d'un voyage de 2,000 lieues.

Le Soussigné fait également savoir à son Excellence M. le Ministre des Affaires Etrangères qu'en quittant ce pays il laisse les archives et les sujets de Sa Majesté Catholique sous la garantie du droit des gens et sous la protection de son Excellence M. le Ministre de Sa Majesté l'Empereur des Français

Enfin, le Soussigne ne peut faire moins que de demander à M. le Ministre s'il lui sera accordé une escorte, rendue nécessaire pour sa sécurité et celle des personnes qui l'accompagnent par le triste état des chemins.

*Mexico, le* 13 *Janvier,* 1861.

(Signé) JOAQUIN FRANCISCO PACHECO.

A son Excellence M. Ocampo,

Ministre par interim des Affaires Etrangères.

*Légation de Guatemala au Mexique,*
*Mexico, le* 13 *Janvier,* 1861.

Le Soussigné, Envoyé Extraordinaire et Ministre Plénipotentiaire de a République de Guatemala, a reçu la communication, en date d'hier, que lui a adressée son Excellence M. Melchor Ocampo, qui remplit par interim les fonctions de Ministre des Affaires Etrangères, ainsi que le Soussigné l'a appris par les feuilles publiques, car il n'avait aucune connaissance officielle de cette nomination.

Cependant, le Soussigné, par un sentiment de dignité pour le Gouvernement qu'il représente et pour lui-même, s'abstiendra de toute discussion sur le contenu de cette communication, et fera en sorte de ne demeurer dans cette capitale que le temps strictement nécessaire pour faire ses préparatifs de départ. Il regrette seulement que les longues années qu'il a résidé dans ce pays l'empêchent d'en sortir aussi promptement qu'il le voudrait.

Le Soussigné fera connaître à M. Ocampo le jour de son départ, pour le cas où son Gouvernement jugerait convenable de lui accorder une scorte, rendue indispensable par l'insécurité des routes.

(Signé) F. N. DEL BARRIO.

A son Excellence M. Melchor Ocampo.

*Légation de l'Ecuador au Mexique.*

Le Soussigné, Chargé d'Affaires de la République de l'Ecuador, a reçu aujourd'hui à 3 heures de l'après midi, la communication que son Excellence M. Melchor Ocampo, Ministre des Affaires Etrangères, lui a adressée à la date du 12 du courant, en son nom personnel seulement, par laquelle il lui fait savoir que son Excellence M. le Président est très peiné de ne pouvoir considérer le Soussigné que comme un ennemi de son Gouvernement, en raison de l'appui qu'il a donné aux rebelles qui ont occupé la capitale pendant ces trois dernières années, et qu'en conséquence il enjoint au Soussigné de sortir de cette ville et de la République dans le délai strictement nécessaire pour ses préparatifs de départ et son voyage.

Cependant M. le Ministre dit au Soussigné qu'il respecte et estime la République de l'Ecuador de même que toutes les nations amies ; mais que le Soussigné ne peut continuer à résider dans ce pays et que ce sont des considérations personnelles au Soussigné qui décident son Excellence M. le Président à prendre cette détermination.

Le Soussigné depuis qu'il fut reconnu par le Gouvernement Mexican comme Chargé d'Affaires de l'Ecuador, est resté dans le pays comme représentant d'une République sœur et amie ; c'est comme tel, et en aucune autre qualité, qu'il a reçu et qu'il recevra jusqu'à ce qu'il sort de la République toute communication qui lui serait adressée par le Ministre des Affaires Etrangères au nom du Chef Suprême de la nation.

Le Soussigné sortira avec toute sa famille de la capitale de la République, dans le délai strictement nécessaire pour faire les préparatifs du voyage qu'il va entreprendre avec une famille nombreuse ; mais avant de partir, il ne peut laisser passer sous silence l'imputation gratuite que M. le Ministre lui adresse de s'être ingéré dans les affaires du pays ; car ni les instructions expresses et péremptoires de son Gouvernement ni ses opinions personnelles, bien connues à Mexico. ne lui permettent d'y prendre part. Il n'a fait rien autre que garder la plus stricte neutralité et suivre la ligne de conduite tracée aux Représentants étrangers dans les cas de guerre civile.

Comme le silence du Soussigné à l'égard de cette accusation pourrait être interprêté comme la confession tacite de son exactitude, le Soussigné se voit dans la nécessité de la repousser de la manière la plus formelle.

Le Soussigné désire savoir si le Gouvernement de M. le Ministre est disposé à lui fournir l'escorte nécessaire pour sa sécurité et celle de sa famille, à cause du mauvais état des routes.

*Mexico, le* 15 *Janvier,* 1861.

(Signé) FRANCISCO DE P. PASTOR.

A son Excellence M. Melchor Ocampo,
Ministre des Affaires Etrangères.

## No. 20.

*Mr. Mathew to Lord J. Russell.—(Received February 28.)*

My Lord, *Jalapa, January 29, 1861.*

I AM sorry to say that owing probably to the change in the position of affairs here I am unable to report to your Lordship the final settlement of the claim for above 400,000 dollars, seized in the conducta at Lagos, and subsequently by Governor Garza at Tampico.

It has been the subject of a lengthened correspondence, and having received from Captain Aldham the copy of a very unsatisfactory note written to him by Señor Ocampo, previous to the departure of his Government from Vera Cruz, I thought it best and most consonant with your Lordship's instructions to address a peremptory demand to the Government on their arrival in the capital, of which I have the honour to inclose a copy.

I rejected the proposed general mode of settlement, under a decree of which I transmit a translated copy, as being indefinite as to time, and unsuitable, therefore, to so exceptional a case; and I have demanded payment with interest at the rate of 12 per cent. per annum, within sixty-five days, as well as an apology for General Garza's act, and the reprimand of that functionary if he acted without orders, which I much doubt.

I have as yet only received a communication begging me to grant time in consequence of the change of Ministers, and of the absence of papers in Vera Cruz, but I trust to be enabled to settle the matter without the necessity of placing it in the hands of Her Majesty's Naval Commissioner in the gulf.

I have, &c.
(Signed) GEORGE B. MATHEW.

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Inclosure 1 in No. 20.

*Mr. Mathew to Señor Ocampo.*

*Jalapa, January 12, 1861.*

THE Undersigned, Her Britannic Majesty's Chargé d'Affaires, has received from Captain Aldham, senior officer of Her Majesty's naval forces at Sacrificios, the copy of a note addressed to him by his Excellency Don M. Ocampo, Minister for Foreign Affairs of the Constitutional Government of Mexico, with regard to the money seized by Governor Garza at Tampico.

Señor Ocampo having since accompanied his Government to the capital, the Undersigned does himself the honour of addressing him directly on the subject, as being one of the most pressing importance.

The Undersigned cannot conceal from himself (and he states it with unfeigned regret) that his Government must draw from the tone of Señor Ocampo's note, as well as from the entire occurrence of which it treats, an unwelcome evidence of a marked unfriendly feeling on the part of the Constitutional Government, as at present formed, towards Great Britain, whose forbearance and goodwill on the other hand have been so constantly shown towards the Republic of Mexico. His Excellency has thought proper to enter into a lengthened detail in his note of circumstances which are wholly alien to the question at issue, but he is apparently labouring under so much misapprehension that the Undersigned must beg leave to rectify his impression of certain details, and he must first correct an unimportant, and, doubtless, unintentional error, on the part of Captain Aldham, as the Undersigned had no previous knowledge of the change made by Mr. Consul Glennie in the sacks and marks, his "authority" to that gentleman being simply to convey the money restored by letter by General Degollado to the Undersigned (as Her Britannic Majesty's Representative) to Tampico.

Had Señor Ocampo given himself the trouble to read the entire of the published note from Mr. Glennie to M. St. Charles, to which he has

alluded, this mistake would have been evident to him, and he would, the Undersigned feels assured, have rendered greater justice to the act and motives of an English functionary.

During Mr. Glennie's journey to Tampico the Undersigned was addressed by the Ambassador of Her Catholic Majesty in the belief that part of the money restored to Mr. Consul Glennie by the officers appointed by General Degollado for the purpose, was in sacks which had belonged, previously to the seizure of the conducta by that officer, to Spaniards, and which he claimed, if such were the case, as their property.

The Undersigned demurred to recognise a legal foundation for this claim, because the money had previously passed from the claimant's possession, not by an act of highway robbery (to which Señor Ocampo's view would level it, with a precedent of some importance), but by the act of a Government who had avowed their responsibility for it.

Concurring, however, most fully in the desire that the utmost good feeling should be maintained among the foreign residents in Mexico, the Undersigned entered into an agreement with his Excellency Señor Pacheco to restore to all foreigners any money proved to have been their property.

This agreement, the Undersigned has had the pleasure of ascertaining, would have been easily carried into effect, as he was informed by Mr. Glennie that by his directions the original sacks, with their marks, had been carefully preserved under Consular seal at San Luis. It was duly communicated to the Comte de la Londe, Chargé d'Affaires of France, the only other Foreign Minister interested then in the capital, but was not made known to the United States' Minister at Vera Cruz, in consequence of the ignorance of the Undersigned of the trifling claim held by citizens of the United States.

Señor Ballesteros was sent to Tampico by his Excellency Señor Pacheco to carry out the arrangement, and the Undersigned issued the necessary instructions to Mr. E. Giffard, acting as Her Majesty's Consul at that port.

Having thus put his Excellency Señor Ocampo in possession of the correct state of the matters to which he has referred in his note, the Undersigned begs to revert to the grave point at issue between Her Majesty's Government and that of Mexico.

It seems scarcely necessary to remark that the Mexican authorities, executive or legal, had nothing to do with any questions that might arise between the Foreign Legations with regard to the money handed over as British property to the Undersigned, for this is clearly avowed by the order addressed by that Government on the 2nd of November to General Garza.

In consequence of the urgent representations of the Undersigned, General Degollado was induced, in the exercise of his authority as the Representative of the Constitutional Government in the interior, to make over to him the supposed approximate amount of British property in the conducta, the seizure and appropriation of which that General had so wrongfully sanctioned.

The money was received on behalf of the Undersigned by Her Majesty's Consul in Mexico, who had personally charge of his communications to General Degollado; and having been placed by him, for greater security, in new sacks with the mark of Her Majesty's Legation, was conveyed under his care, by the instructions of the Undersigned, to Tampico.

At the entrance of that town it was arbitrarily taken possession of by Governor Garza, notwithstanding the reclamations of the Consul in charge, who, in his Protest of the 2nd of November, informed him that he had, in obedience to his instructions, brought the money to Tampico, "with the intention and sole purpose of depositing the same in Her Britannic Consulate, subject always to such arrangements as Her Majesty's Representative might deem it expedient to make in respect thereto;" and declared the Constitutional Government responsible for the seizure made.

The money thus taken from Mr. Glennie by the commission of an outrage towards Her Majesty's Government, secondary only to that so recently perpetrated in Mexico, was never restored, although some days

afterwards Governor Garza transmitted to Consul Glennie the copy of an order he had received from his Government, dated November 2, revoking some previous instructions with respect to this money, on the avowed ground that the Government had since found that it "had gone out of the jurisdiction of the authorities and forces of Mexico," thus distinctly recognizing the validity of the act of restitution of General Degollado. Governor Garza added, that he had given orders that the money he had seized should be restored on demand to Her Majesty's Consul; but it appeared on that functionary's immediate application, that, without ever being replaced in his possession, and while indeed still in that of General Garza, a detainer had been lodged against its removal by the order of the Federal Judge of the district.

Common report in Tampico not unnaturally asserted that one mode having thus failed to appropriate the money, which no legal evidence proved to have ever belonged to the first conducta, another plan was adopted, little less unworthy, by the connivance of the local authorities.

The Undersigned does not conceive it necessary for him to enter upon the question of the jurisdiction or of the legal course of the Federal Judge; it is a matter for the consideration of the Federal Government, whose credit would be affected by incapacity or misconduct on the part of their Judges.

His sentence, he will merely observe, carries an inexplicable misstatement on the face of it with regard to the sacks and marks, and his jurisdiction has been declared illegal by an eminent lawyer, whose opinion the Undersigned incloses.

By the foregoing brief statement of facts, his Excellency Señor Ocampo will perceive that the injury and the injustice done to Her Majesty's subjects by the appropriation of the conducta by General Degollado, have been aggravated by the outrage committed by Governor Garza at Tampico; and the Undersigned cannot but express his hope in the high sense of justice of the Constitutional Government, that they will freely admit the pre-eminent and exceptional claim to redress which this act has created.

The Undersigned feels it his duty frankly to state that his instructions from his Government are distinct and peremptory, precluding further reference to them, and while he willingly gives due credit to his Excellency President Juarez, and the Constitutional Government, for the spontaneous Decree for the payment of claims, inclosed by Señor Ocampo, he is unable to accept the terms proposed by that Decree, with no assignment of a definite time for the repayment of the loss incurred by Her Majesty's subjects on this occasion.

The utmost that the Undersigned can venture to take upon himself to do, in view of the declaration made by his Excellency Señor Ocampo of the actual impossibility of immediate repayment by his Government, is:—

1. To accept the pledge of the Constitutional Government of Mexico to repay within sixty-five days of the receipt of this note, the amount that may be still due to Her Majesty's subjects from the money taken from them by General Degollado, with interest at the rate of 12 per cent. per annum.

2. To accept a diplomatic apology for the outrage committed by Governor Garza, who shall further be reprimanded if he did not act under the first instructions of his Government.

To this proposal the Undersigned must request an early and definitive acceptance or refusal.

And he begs leave to avail, &c.

(Signed) GEORGE B. MATHEW.

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Inclosure 2 in No. 20.

*Decree.*

LE citoyen Benito Juarez, Président Intérimaire Constitutionnel des Etats-Unis Mexicains, à tous leurs habitants faisons savoir, qu'en vertu des amples facultés dont je me trouve investi, j'ai cru devoir décréter:—

Article 1. Est établi, comme fonds spécial, pour le paiement des réclamations que, conformément à la présente Loi, devra satisfaire le Gouvernement en raison des occupations et dommages causés par la guerre actuelle :—

1. Le produit total de la vente des édifices dont parle le Décret du 24 Octobre de la présente année, et des autres d'usage public qui sont entrés ou entreront dans le domaine de la nation, en vertu des préceptes de la Loi du 12 Juillet, 1859.

2. Le 15 pour cent de ce qui entrera, en argent effectif, dans les caisses du Gouvernement Féderal, pour rédemptions de capitaux nationaux.

3. Le 50 pour cent des droits d'importation qui restent libres au Gouvernement dans le port de Tampico.

4. La part qu'il sera possible, des droits d'importation qui restent libres au Gouvernement, dans la douane de Vera Cruz, si, une fois déterminés le montant des réclamations qui devront être satisfaites, et la somme à laquelle s'élève le fonds destiné à leur paiement, il résulte que ce dernier se fait avec trop de lenteur.

Art. 2. Pour l'examen et la qualification des réclamations qui seront adressées au Gouvernement, il sera établi une junta de trois personnes, dont les attributions seront les suivantes :—

1. Examiner les réclamations qui sont adressées au Gouvernement ; dans ce but, elle pourra apprécier la légalité des documents qui lui seront présentés, exiger des informations de toutes les autorités et administrations publiques, et faire comparaître les personnes pour éclaircir les faits et provoquer les preuves contradictoires, chaque fois qu'elle le jugera nécessaire.

2. Donner des informations au Gouvernement, dans chaque cas de réclamation, sur sa valeur, et proposer également la somme qui devra être payée conformément aux préceptes légaux.

3. Administrer les fonds des réclamations et veiller à ce qu'y entrent scrupuleusement les sommes qui doivent le former.

4. Faire le paiement—

(1.) De la somme qui a été occupée par M. le Général Degollado, appartenant à la conduite, et qui est préférable à tout autre paiement, la garantie, pour son remboursement, étant déjà reconnue et signalée, garantie qui, par ces présentes, se confirme et reçoit une plus grande extension.

(2.) Des valeurs en argent ou en effets qui ont facilité la subsistance de l'armée Fédérale et qui seront justifiées avoir été occupées par des chefs dont l'autorité a été reconnue par le Gouvernement Fédéral.

(3.) Des préjudices occasionnés par ordre des mêmes chefs.

Art. 3. La *junta* ne connaîtra pas des réclamations fondées sur des outrages ou des offenses qui emportent des délits de l'ordre commun, ces plaintes devant être portées devant les tribunaux qui statueront, à leur égard, conformément aux lois préexistantes.

Art. 4. Aussitôt que la conduite sera remboursée, la *junta* distribuera, chaque deux mois, ou à des périodes plus courtes, s'il est possible, et au prorata, entre ceux dont les réclamations seront déjà liquidées et mises en voie de paiement par le Gouvernement, les fonds qui auront été réunis dans les mêmes périodes.

Donné au Palais du Gouvernement Fédéral, dans l'H. Vera Cruz, le 17 Decembre, 1860.

(Signé) BENITO JUAREZ.

(Contresigné) Antonio Escalante, *Oficial Mayor intérimaire.*

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No. 21.

*Mr. Mathew to Lord J. Russell.—(Received February* 28.)

(Extract.) *Jalapa, January* 30, 1861.

THE occupation of the capital by the Liberal forces, which I had the honour to report to your Lordship by last month's mail, was followed by

the complete restoration of the Constitutional Government, under Señor Juarez, as President *ad interim,* until the meeting of Congress, and the election of a Chief Magistrate in the regular mode.

The members of the late self-appointed Government in that city have not been found, with the exception of Señor Diaz. Their army was somewhat prematurely dissolved by proclamation, and the two guerilla bands of Vicario and Megia, which some of the reactionary officers have joined, are the only armed bodies in the Republic by which the public tranquillity is disturbed.

There has not been a single act of bloodshed or of popular vengeance on the part of the successful party; and I cannot but entertain a sanguine hope that if the elections now in progress result in placing the Executive power in firm and able hands, Mexico may yet recover a position among nations. Señor Lerdo and General Ortega are the most prominent candidates.

I have had the honour to communicate to your Lordship in my despatch of January 28th their impolitic and offensive act in the expulsion of Her Catholic Majesty's Ambassador, and other Foreign Ministers. There is but one other occurrence worthy of notice.

The publication of the various laws of reform in the capital, and especially the Law of Religious Liberty, and the Civil Marriage Act, of which I annex a copy, has been attended by the most violent opposition on the part of the higher clergy. Upon the promulgation of the last-named law, the Archbishop issued a Decree, of which I inclose a copy, in direct opposition to the law; and refusing to withdraw it, he and several of the Bishops received orders to leave the country, and, I am informed, have accompanied the Spanish Ambassador to Vera Cruz.

The Civil Marriage has been in operation in France, the United States, and various other countries, without any similar hostile demonstration, either by His Holiness the Pope, or the resident Catholic clergy; and I do not see that in this instance the Government had any other course open but that which they have followed.

I believe that, although the most inflammatory appeals have been made by the Archbishop in the Cathedral of Mexico, and by others of the clergy, these have failed to create any considerable degree of excitement.

A portion of the public press is clamorous for their trial, and the small Conservative party appears to advocate this course in the hope of thus exciting a reactionary movement, but the people at large evidently take very little interest in their behalf.

The newly-appointed Envoy of the United States, Mr. Weller, has arrived in Mexico from California by way of Acapulco.

The Prussian and French Ministers are also in the capital, but have not as yet recognized the Government.

I have hitherto refrained from returning to Mexico, in the hope of giving, by standing aloof, greater weight to my demands, as stated in my despatch of January 29th; but should these be satisfactorily settled, and Her Majesty's Envoy not arrive by this packet, I shall venture to take upon myself, in the absence of your Lordship's commands, to do so, however personally inconvenient, as I believe that my presence may be of importance in various affairs pending, and may be of use to the British mercantile community, who urgently request it.

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Inclosure 1 in No. 21.

*Decree of President Juarez in favour of Religious Liberty and various Religious Reforms.*

LE C. Benito Juarez, Président intérimaire constitutionnel des Etats-Unis Mexicains, à tous leurs habitants faisons savoir: Qu'en vertu des amples facultés dont je me trouve investi, j'ai cru devoir decréter ce qui suit:

Article 1. Les lois protégent l'exercice du culte Catholique et des autres cultes qui s'établiront dans le pays, comme l'expression et le résultat

de la liberté religieuse qui, droit naturel de l'homme, n'a et ne peut avoir d'autres limites que les droits des tiers et les exigences de l'ordre public. Dans tout autre cas, l'indépendance entre l'Etat, d'une part, et les croyances et les pratiques religieuses, d'autre part, est et sera parfaite et inviolable. Pour l'application de ces principes, on observera ce qui est déclaré et déterminé par les lois de réforme et par le présent Decret.

Art. 2. Une église ou Société religieuse se forme des hommes qui ont volontairement désiré en devenir les membres, en manifestant cette résolution par eux-mêmes ou par le moyen de leurs parents (padres) ou des tuteurs desquels ils dépendent.

Art. 3. Chacune de ces Sociétes a la liberté de régler, par elle ou par le moyen de ses prêtres, les croyances et les pratiques du culte qu'elle professe, et de fixer les conditions dans lesquelles elle admettra les hommes dans son sein, ou les en séparera, pourvu que, par ces dispositions, comme par l'application qui en sera faite aux cas particuliers qui pourront se présenter, on ne commette aucune faute ni aucun délit que prohibent les lois ; dans ce dernier cas, ces lois seront strictement appliquées dans leurs prescriptions.

Art. 4. L'autorité de ces Societés religieuses et de leurs prêtres sera purement et absolument spirituelle, sans aucune coaction d'autre sorte, qu'elle s'exerce sur les hommes fidèles aux doctrines, aux conseils et aux préceptes d'un culte, ou sur ceux qui, après avoir accepté ces choses, changeraient, ensuite, de manière de voir.

Action populaire est concédée pour accuser et dénoncer les infracteurs du présent Article.

Art. 5. Dans l'ordre civil, il n'y a d'obligation, de peines ni de coaction d'aucune espèce en ce qui touche aux questions, fautes, et délits purement religieux ; en conséquence ne pourra avoir lieu, même à la requête d'aucune église ou de ses directeurs, aucun procédé judiciaire ou administratif pour cause d'apostasie, de schisme, d'hérégie, de simonie ou tout autre délit ecclésiastique. Mais si à ces causes se joignait quelqu'une des fautes ou quelqu'un des délits compris dans les lois qui sont actuellement en force et vigueur, et auxquelles il n'est pas dérogé par le présent Decret, l'autorité publique compétente connaîtra du cas et prononcera sans prendre en considération ni sa qualité ni son importance dans l'ordre religieux. Ce même principe sera observé lorsque les fautes et les délits indiqués résulteront d'un acte qui sera jugé propre à un culte quelconque et autorisé par lui. En conséquence, la manifestation des idées sur les points religieux, et la publication des bulles, brefs, rescrits, lettres pastorales, mandements et tous écrits traitant également des mêmes matières, sont des choses dans lesquelles on jouira de pleine liberté, à moins que par elles on n'attaque l'ordre, la paix, ou la morale publique, ou la vie privée, ou, de toute autre manière, les droits des tiers, ou bien qu'on provoque à quelque crime ou délit ; car, dans tous ces cas, abstraction faite du point religieux, on appliquera irrémissiblement les lois qui prohibent de tels abus, en se conformant aux prescriptions de l'Article 23.

Art. 6. Dans l'économie intérieure des temples et dans l'administration des biens dont les lois permettent l'acquisition aux Sociétés religieuses, ces dernières auront, en ce qui touche à l'ordre civil, toutes les mêmes facultés, les mêmes droits et les mêmes obligations que toute association légitimement établie.

Art. 7. Sont abrogés les recours de force ("recursos de fuerza"). Si quelque église ou ses directeurs exerçaient un acte particulier de la puissance publique, l'auteur ou les auteurs de cet attentat suffriraient respectivement les peines que les lois imposent à ceux qui les commettent en corps ou séparément.

Art. 8. Cesse le droit d'asile dans les temples ; on pourra et l'on devra employer la force qui sera jugée nécessaire pour y prendre et en extraire les coupables déclarés ou présumés, conformément aux lois, sans que l'autorité ecclésiastique puisse avoir d'intervention dans cette qualification.

Art. 9. Le serment et ses rétractations ne sont pas dans les attributions des lois. Tous les droits, obligations, et peines légales sont déclarés valides et consistants, sans avoir besoin de considérer, parfois, le serment comme ayant connexité avec les actes de l'ordre civil. Cesse, par consé-

quent, l'obligation légale de jurer l'obéissance à la Constitution, le bon accomplissement des charges publiques et de diverses professions, avant de les exercer. Cesse de la même manière l'obligation légale de jurer certaines manifestations déterminées devant les agents du fisc, et les confessions, témoignages, rapports d'experts, ou toute autre déclaration ou affirmation qui se fasse au dedans ou en dehors des tribunaux. Dans tous ces cas, dans tout autre où les lois exigeaient le serment, ce dernier sera remplacé désormais par la promesse explicite de dire la vérité dans ce qu'on déclarera, ou de remplir bien et fidèlement les obligations que l'on contractera ; et l'omission, le refus, ou la violation de cette promesse causeront, dans l'ordre légal, les mêmes effets que s'il s'agissait, suivant les lois préexistantes, du serment omis, refusé, ou violé.

Dans l'avenir, le serment ne produira aucun effet légal dans les contrats qui seront célébrés ; et jamais, en vertu de ce serment ou de la promesse qui la remplacera, on ne pourra confirmer une des obligations qui, auparavant, avaient besoin d'être jurées pour acquérir force et consistance.

Art. 10. Celui qui, dans un temple, outragera ou tournera en ridicule par paroles, ou de toute autre manière manifestée par des actes extérieures, les croyances, pratiques, ou autres objets du culte auquel cet édifice sera destiné, souffrira, suivant les cas, la peine de la prison ou de l'exil, dont le maximum sera de trois mois. Lorsque, dans un temple, on fera une injure, ou l'on commettra quelque autre délit emportant violence ou acte deshonnête ("deshonestidad"), la peine des coupables sera moitié plus forte que celle dont les lois frappent le délit dont il s'agit, en le considérant comme commis dans un lieu public et fréquenté. Mais cette augmentation de peine s'appliquera de telle façon qu'elle ne produise, au temporel, ni prison, ni déportation, ni travaux forces pour plus de dix années.

L'ancien droit sur la sacrilége est refondu dans les présentes dispositions, et les autres délits auxquels on donnait ce nom seront soumis à ce que prescrivent les lois dans des cas identiques, abstraction faite de la circonstance purement religieuse.

Art. 11. Aucun acte solennel religieux ne pourra avoir lieu, hors des temples, sans permis écrit, concédé, pour chaque cas, par l'autorité politique locale, suivant les réglements et les ordres que les Gouverneurs du District et des Etats expédieront en se conformant aux bases qui sont exprimées ci-après :—

1. La conservation de l'ordre public doit passer avant toute autre considération.

2. Ces permis ne doivent pas être concédés lorsqu'on redoute qu'ils produisent ou facilitent quelque désordre, soit par manque de respect à l'égard des pratiques ou des objets sacrés d'un culte, soit pour des motifs d'autre nature.

3. Si la dite autorité, parcequ'elle n'éprouvait aucune crainte dans ce sens, avait concédé le permis dont il est question, et s'il survenait quelque désordre à l'occasion de l'acte religieux autorisé, on ferait cesser cet acte, et on ne pourrait le permettre à l'avenir, hors des temples. La manque de respect, dans ces cas, ne sera punissable que lorsqu'il dégénérera en force ou en violence.

Art. 12. Il est défendu d'instituer héritier ou légataire le directeur du testateur, quelle que soit la communion politique à laquelle il aura appartenu.

Art. 13. Il est également défendu de nommer des quêteurs pour solliciter et recueillir des aumônes avec destination à des objets religieux, sans approbation expresse du Gouvernement respectif, qui la concédera par écrit ou la refusera, suivant qu'il lui paraîtra convenable ; et ceux qui, sans présenter la justification de cette approbation, pratiqueront de pareils actes, seront tenus pour vagabonds et répondront des fraudes qu'ils auront commises.

Art. 14. Cesse le privilége appelé de compétence, en vertu duquel les ecclésiastiques Catholiques pouvaient retenir, au préjudice de leurs créanciers, une partie de leurs biens. Mais, si au moment d'opérer une saisie pour dette de prêtres à quelque culte qu'ils appartinssent, il n'y avait pas d'autres biens, sur lesquels pût retomber l'exécution, que quelqu'

appointement fixe, on pourra seulement saisir cet appointement pour le tiers de son produit périodique. On ne considérera comme soumis au séquestre ni les livres de l'intéressé ni les choses qu'il possédera et appartenant à son ministère, ni les autres biens que les lois, par mesure générale, exceptent de la saisie.

Art. 15. Les clauses testamentaires qui disposeront le paiement de dîmes, d'obventions ou de legs pieux, de quelque nature et dénomination qu'ils soient, seront exécutées uniquement en ce qui ne portera pas préjudice à la côte héréditaire forcée, conformément aux lois, et, dans aucun cas, le paiement ne pourra se faire en biens fonds.

Art. 16. L'action des lois ne s'exercera pas sur les prestations des fidèles pour soutenir un culte et les prêtres de ce dernier, à moins que ce ne soit lorsqu'elles consisteront en immeubles, ou lorsqu'interviendra la force ou la tromperie pour les exiger ou les accepter.

Art. 17. Cesse le traitement (" tratamiento") officiel qui avait coûtume d'être donné à diverses personnes et corporations ecclésiastiques.

Art. 18. L'usage des cloches continuera à être soumis aux réglements de police.

Art. 19. Les prêtres de tous les cultes seront exemptés de la millice et de tout service personnel coërcitif, mais non des contributions ou rémunérations qu'imposeraient les lois pour ces franchises.

Art. 20. L'autorité publique n'interviendra pas dans les rites et pratiques religieuses concernant le mariage. Mais le contrat qui émane de cette union reste exclusivement soumis aux lois. Tout autre mariage qui sera contracté sur le territoire national, sans l'observation des formalités que prescrivent les mêmes lois, est nul et incapable, par conséquent, de produire aucun de ces effets civils que se droit n'attribue qu'au mariage légitime. En dehors de cette peine, il n'en sera imposé aucune autre aux unions désapprouvées par le présent Article, à moins qu'il n'y intervienne la force, d'adultère, l'inceste ou le dol; car, en pareils cas, on observera ce que prescrivent les lois relativement à ces délits.

Art. 21. Les Gouverneurs des Etats, du district, ou du territoire, veilleront, sous leur plus étroite responsabilité, à l'exécution des lois rendues relativement aux cimetières et pantheons, et à ce qu'en aucun lieu les cadavres ne manquent d'une sépulture convenable, quelle que soit la décision des prêtres de leurs églises respectives.

Art. 22. Restent dans toute leur vigueur et dans leur force les lois qui châtient les outrages commis sur les cadavres et leurs tombeaux.

Art. 23. Le Ministre d'un culte, qui, dans l'exercice de ses fonctions, ordonnera l'exécution d'un délit ou exhortera à le commettre, souffrira la peine de cette complicité, si le dit délit est consommé. Au cas contraire, les juges prendront en considération les circonstances pour imposer jusqu'à la moitié ou moins de la dite peine, à moins que les lois n'en désignent une autre plus grande.

Art. 24. Bien que tous les fonctionnaires publics, en leur qualité d'hommes, jouissent d'une liberté religieuse aussi ample que tous les habitants du pays, ils ne pourront avec leur caractère officiel assister aux actes d'un culte, ou de déférence pour ses prêtres, à quelque hiérarchie qu'appartiennent ces derniers. La troupe formée est comprise dans la prohibition qui précède.

Pourquoi j'ordonne, &c.

Donné au Palais du Gouvernement National, à Vera Cruz, le 4 Décembre, 1860.

(Signé) BENITO JUAREZ.

Au citoyen Juan Antonio de la Fuente,
Ministre de la Justice et de l'Instruction Publique.

Et je le communique à votre Excellence pour son intelligence et son exécution. Dieu et Liberté!

*Vera Cruz, le 4 Décembre,* 1860.

(Signé) FUENTE.

A son Excellence M. le Gouverneur de l'Etat de . . . . . .

Inclosure 2 in No. 21.

*Decree of the Archbishop of Mexico against Civil Marriage Law.*

*Vicariat de Queretaro.*

A MM. les Vicaires desservants et Curés résidant hors de la capitale.

Conformément aux déclarations contenues dans notre lettre pastorale du 5 Août dernier et dans le mandement que d'accord avec Monseigneurs les Evêques de cette Province Ecclésiastique, nous avons publié le 30 du même mois, les fidèles doivent savoir :—

1. Que ceux que se marient malgré les empêchements établis par l'Eglise, sans avoir obtenu de dispense de l'autorité ecclésiastique à qui il appartient de l'accorder, contractent un mariage nul, vivent en concubinage, et ne sont pas véritablement mariés, qui que ce soit qui célèbre le mariage.

2. Que de même, le mariage sera nul s'il n'a été célébré devant le curé de paroisse, deux témoins ; et

3. Que la déclaration faite devant l'autorité civile que les contractants ont l'intention de s'unir par les liens du mariage, et même la célébration du mariage devant l'autorité civile et en présence de témoins, ne constitue pas un mariage ni un contrat valable. Ceux qui par cette déclaration de leur volonté ou par suite de la célébration du mariage par l'autorité civile vivront maritalement, seront en état de concubinage et non véritablement mariés.

Dans la susdite pastorale du 5 Août de l'année dernière, nous vous avons requis d'instruire les fidèles à cet égard ; et comme la loi sur le mariage civil vient d'être publiée dans cette capitale, nous croyons utile de vous réitérer les mêmes ordres et recommandations.

*Mexico, le* 29 *Décembre*, 1860.

(Signé) LAZARO, *Archevêque de Mexico.*

En marge : Vicaires desservants de . . . . . avec ordre d'en envoyer copie dans leurs circonscriptions respectives. Copie certifiée et communiquée par ordre de Sa Sainteté au Vicaire desservant de . . . . . .

*Mexico, le* 31 *Décembre*, 1860.

Vous êtes chargé de l'exécution des présentes.

Dieu vous garde.

Cure de . . . . . .

*Le* 10 *Janvier*, 1861.

(Signé) FAUSTINO DE CHAVEZ.

A M. le Curé et Juge Ecclésiastique de . . . . . .

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No. 22.

*Lord J. Russell to Mr. Mathew.*

Sir, *Foreign Office, March* 1, 1861.

THE mail from Mexico was delivered yesterday evening, and in answer to your despatch of the 30th of January, I have to state to you that Her Majesty's Government entirely approve of your going to Mexico in the case of the general principle of the British claims having been conceded by the Mexican Government.

You will urge with more effect in Mexico than at Jalapa the various claims of British subjects for redress and compensation.

With regard to the measures adopted by the Government, I have to state that it seems to Her Majesty's Government that the proclamation of the law of civil marriage might have been more properly reserved for the Cortes than made the subject of a special exercise of provisional power. On the other hand, the declaration in favour of religious liberty could not be made too soon, and ought to be steadily and impartially sustained.

I am, &c.

(Signed) J. RUSSELL.

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No. 23.

*Mr. Mathew to Lord J. Russell.*—(*Received March* 30.)

My Lord, *Mexico, February* 25, 1861.

I HAD the honour of transmitting to your Lordship in my despatch of the 29th January, a copy of the demands I felt it necessary to make in a more peremptory manner upon the Government of Mexico, for the seizure of the conducta at Lagos, and again at Tampico.

In consequence of further information which I received that my presence, which was urgently required on other grounds, would probably now end this question, I decided on coming to Mexico, and arrived here on the 16th, with Captain Aldham, to whom I proposed to accompany me.

I had every reason to believe that the Government was most desirous to do what was just, but they were evidently surrounded by difficulties, and ill able to carry out their good intentions to the extent they desired.

I was therefore induced to accept from Señor Zarco, the new Minister for Foreign Affairs, a basis for the settlement of the chief matters pending, a copy and translation of which I have the honour to inclose (being ante-dated by mutual consent).

Your Lordship will perceive that the Mexican Government pledges itself—

1. To repay the amount due to Her Majesty's subjects from the seizures of the conducta at Tampico and at Lagos, within four calendar months from the 12th instant, at Vera Cruz or Tampico, together with interest at the rate of 12 per cent. per annum; the amount payable being understood to be free of export duty.

2. That the Government apologises for the act of Governor Garza.

3. That (as regards the outrage at Her Majesty's Legation) on the hoisting of the English flag at Her Majesty's Legation, the Mexican banner will be hoisted at the Palace and other public buildings, and will do their utmost to bring the perpetrators of the outrage to justice; and

4. That the Government undertake to repay the 660,000 dollars plundered at the Legation.

I beg leave to inclose a copy of my reply to Señor Zarco, agreeing with this arrangement, and to express my hope that, in the distressed circumstances of the country, your Lordship will think it equitable and fair.

I have, &c.
(Signed) GEORGE B. MATHEW.

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Inclosure 1 in No. 23.

*Señor Zarco to Mr. Mathew.*

*Palacio Nacional, Mexico,* 12 *de Febrero,* 1861.

EL Infrascrito, Ministro de Relaciones Esteriores, ha recibido á las once de la mañana del dia de ayer, de mano del Señor Consul Glennie, copia del despacho que, con fecha 8 del actual, le dirijió el Señor Encargado de Negocios de Su Magestad Británica,* á fin de que lo comunicase al Infrascrito.

En tal despacho el Señor Mathew pide al Gobierno de Mexico—

1. El reembolso en Tampico, ó Vera Cruz, dentro de cuatro meses contados desde ayer, de las sumas que aun se adeudan á subditos de Su Magestad Británica de la conducta ocupada en Lagos y Tampico; añadiendo á dichas sumas el interes de 12 por ciento anual.

2. Una satisfaccion diplomatica por el ultrage cometido en Tampico, y una censura publica ("reprimand") al Excelentisimo Señor Gobernador del Estado de Tamaulipas, Don Juan José de la Garza, si procedió sin ordenes del Gobierno al detener la conducta.

* Not received in England.

3. Honores al pavellon Británico cuando vuelva á izarse en la Legacion de Su Magestad, en consideracion al insulto hecho á la misma Legacion por los rebeldes que occupaban la capital en Noviembre anterior.

4. La declaracion de que el Gobierno desea entrar en el arreglo mas practicable, para el pronto pago de la suma robada en aquella ocasion, y los gastos consiguientes.

El Señor Mathew, por ultimo, encarga al Señor Glennie que recabe la aceptacion ó repulsa de estas proposiciones en el perentorio termino de cuarenta y ocho horas.

Angustiado como es este termino, é insuficiente para considerar y resolver los graves negocios á que se refiere la nota del Señor Encargado de Negocios de Su Magestad Británica, el Infrascrito pueda contestar sin aguardar la espiracion de ese plazo; porque desde que el Gobierno legitimo de la República ocupa la capital, ha consagrado incesantemente su atencion á estos mismos negocios, como uno de aquellos cuya pronta solucion afecta el mantenimiento de las buenas relaciones que felizmente existen entre Mexico y la Gran Bretaña.

Asi pues, el Infrascrito tiene orden de su Excelencia el Presidente para manifestar al Señor Don Jorge B. Mathew, en cuanto al primer punto, queda acordado por el Gobierno Mexicano, hacer en el termino de cuatro meses, en los puertos de Vera Cruz ó Tampico, ó en la ciudad de Mexico, si asi conviene á los interesados, el reembolso de las sumas todas que aun se adeudan, por la ocupacion de la conducta en Lagos, abonando el interes del doce por ciento anual, y que por lo mismo, en este punto, quedarán satisfechos los deseos del Señor Encargado de Negocios en favor de los subditos Británicos, teniendose por pagado el derecho de esportacion sobre los caudales que han de ser devueltos.

En cuanto al segundo, que este Gobierno no vacila en espresar al Gobierno de Su Magestad Británica que deplora que el acto del Señor Gobernador Garza, originada de mala inteligencia de sus ordenes, impidieron el deposito de los caudales en el Consulado de Su Magestad en Tampico, y haya parecido un insulto ("outrage") que aquel funcionario nunca tuvo animo de cometer.

En cuanto al tercio que el Señor Encargado de Negocios puede anunciar al Infrascrito el dia y hora en que ize el pavellon Británico en la Legacion de Su Magestad, á fin de que en el mismo instante se enarbole el pavellon Mexicano en el Palacio Nacional, en señal de que la República reprueba altamente el atentado cometido por una faccion rebelde, que sobre confiscar los derechos del pueblo, y conculcar sus garantias, se hizo culpable de ofensas cuya responsabilidad moral de ninguna manera puede recaer sobre el Gobierno Constitucional, ni sobre el pueblo Mexicano, que precisamente en aquellos momentos hacian grandes esfuerzos por recobrar la capital, y devolver á nacionales y estrangeros las garantias que á aquellos asegura la Constitucion, y á estos los tratados y el derecho de gentes.

En cuanto al cuarto. que el Gobierno ha acordado ya el enjuiciamiento de los culpables; ha facilitado á los Tribunales todos los datos relativos que se han encontrado, y ha ordenado el embargo de los bienes de los responsables; con todo lo que, ha demonstrado su resolucion de que se haga pronta justicia, y sin embargo desea sinceramente la reparacion debida, y está dispuesta á tratar de este asunto, y arreglar satisfactoriamente el modo de reembolsar, conforme á justicia y derecho, la suma ocupada, si no la cubren los bienes de los responsables; en cuyo numero en ningun caso puede contarse esta nacion ni su Gobierno.

Tal es la respuesta acordada por el Excelentisimo Señor Presidente al despacho del Señor Mathew, y que el Infrascrito pone en manos del Señor Glennie antes de veintecuatro horas de la espiracion del plazo señalado.

El Infrascrito espera confiadamente, que en ella vea el Señor Mathew una nueva prueba del deseo sincero que anima á este Gobierno de mantener buenas relaciones con el de Su Magestad Británica; y de que se ha ocupado preferentemente de los negocios en cuestion.

Asi lo ha hecho en efecto, á pesar de la embarazosa situacion en que

se encuentra, teniendo que reorganizar los ramos todos de la Administracion, en que la rebelion introdujo el desorden y el caos, dejando exhausto el erario.

El Gobierno rechaza, en nombre de la nacion, la responsabilidad del atentado cometido por los facciosos en Noviembre ultimo; las personas que lo perpetraron, que jamas constituyeron su Gobierno, ni tuvieron el menor titulo de legitimidad, son los unicos culpables; y sin embargo, el Gobierno Mexicano ofrece lo que queda espuesto por el Infrascrito al contestar el tercer punto, porque quiere dar una prueba solemne de reprobacion nacional á ese atentado, y desea tambien manifestar al mundo entero sus sentimientos de benevolencia y de respeto hacia las Potencias amigas.

El Infrascrito, &c. (Firmado) FRANCISCO ZARCO.

(Translation.)

*National Palace, Mexico, February* 12, 1861.

THE Undersigned, Minister for Foreign Affairs, received yesterday morning at 11 o'clock, from the hands of Mr. Consul Glennie, copy of a despatch addressed to him on the 8th instant by Her Britannic Majesty's Chargé d'Affaires,* with a view to its being communicated to the Undersigned.

In said despatch, Mr. Mathew demands of the Mexican Government—

1. The repayment at Vera Cruz, within four months from yesterday's date, of the sums still due to Her Britannic Majesty's subjects from the conducta which was occupied at Lagos and Tampico, together with interest at the rate of 12 per cent. per annum.

2. A diplomatic apology for the outrage committed at Tampico, and a public reprimand to his Excellency the Governor of the State of Tamaulipas, Don Juan José de la Garza, if he acted without orders from the Government in detaining the conducta.

3. Due honour to be paid to the British flag, when rehoisted at Her Majesty's Legation, in consideration of the insult offered there by the rebels who held the capital last November.

4. A declaration, on the part of the Government, of their desire to enter into the most feasible arrangement for the prompt repayment of the amount seized on that occasion, and the expenses consequent thereon.

Mr. Mathew, in conclusion, instructs Mr. Glennie to request that the acceptance or refusal of these proposals may be communicated within the peremptory term of forty-eight hours.

Restricted as this term is, and insufficient for the consideration and resolution of the weighty matters referred to in the note of Her Britannic Majesty's Chargé d'Affaires, the Undersigned is able to reply without waiting for the expiration of the time fixed; because, ever since the occupation of the capital of the Republic by the legitimate Government, they have constantly directed their attention towards these very matters as belonging to that class the prompt solution of which affects the maintenance of the friendly relations happily existing between Mexico and Great Britain.

The Undersigned has consequently received his Excellency the President's commands to make known to Mr. Mathew that, with regard to the first point, the Mexican Government agree to repay within the term of four months, at the ports of Vera Cruz or Tampico, or in the city of Mexico, should the parties interested wish it, the amount of all moneys still owing on account of the conducta that was stopped at Lagos, including interest at 12 per cent. per annum; and that, consequently, the wishes of Her Britannic Majesty's Chargé d'Affaires, in favour of British subjects, will be satisfied on this point, it being understood that the amounts which have to be restored are free of export duty.

With regard to the second, this Government does not hesitate to express to that of Her Britannic Majesty its profound regret that the act of Governor Garza, which originated in a misinterpretation of orders, prevented the money being deposited in Her Majesty's Consulate at Tampico, and should have been considered in the light of an outrage, which it was never the intention of that functionary to offer.

* Not received in England.

With regard to the third, that Her Britannic Majesty's Chargé d'Affaires will be pleased to make known to the Undersigned the day and hour for hoisting the British flag at Her Majesty's Legation, in order that the Mexican flag may be hoisted on the National Palace at the same moment, for the purpose of showing that the Republic altogether condemns the outrage committed by a rebellious faction; which, besides usurping the rights of the people, and trampling upon their guarantees, was guilty of an offence, the moral responsibility of which can, in no way, fall upon the Constitutional Government, nor upon the Mexican people, who were, at that very moment, making great efforts to regain possession of the capital, and to restore to natives and foreigners those guarantees which the Constitution ensures to the former, and Treaties and international laws to the latter.

With regard to the fourth, that the Government have already come to the determination to bring the guilty to judgment, having furnished the Tribunals with all the data that have been found, and given orders for the embargo of the property of the responsible parties, by which they have shown their determination to ensure prompt administration of justice; and, moreover, they sincerely desire that due reparation be made, and are ready to treat of this matter, and to arrange, in a satisfactory manner, conformably to justice and equity, the repayment of the money seized, in case it should not be covered by the property of the responsible parties, in which number neither the nation nor its Government can in any way be comprehended.

This is the answer to Mr. Mathew's despatch, sanctioned by his Excellency the President; and which the Undersigned places in Mr. Glennie's hands before the expiration of twenty-four hours of the term fixed.

The Undersigned confidently hopes that Mr. Mathew will see in this answer a fresh proof of the sincere desire which animates this Government to maintain friendly relations with that of Her Britannic Majesty, and that they have, above everything, given their attention to the matters in question.

The Mexican Government have in fact done so, in spite of the embarrassing position in which they are placed by having to reorganize every branch of the Administration into which the rebellion introduced disorder and chaos, and left the Treasury exhausted.

The Government, in the name of the nation, disclaims the responsibility of the outrage committed last November by the rebels; the perpetrators of that act, who never constituted the Government, nor had any title to legitimacy, are alone the culprits: but, nevertheless, the Mexican Government, in replying to the third point, offer what the Undersigned has there stated, because they wish to give a solemn proof of the national reprobation of that outrage, and are desirous of manifesting to the whole world their sentiments of benevolence and respect towards friendly nations.

The Undersigned, &c. (Signed) FRANCISCO ZARCO.

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Inclosure 2 in No. 23.

*Mr. Mathew to Señor Zarco.*

*Mexico, February* 19, 1861.

THE Undersigned, &c., has the honour to acknowledge the note of his Excellency Señor Zarco, &c., under date of the 12th instant.

He is not unconscious of the difficulties that surround the Government of his Excellency Señor Zarco, and it will be his duty to lay them fully before Her Majesty's Government.

And he, therefore, accepts the proposals conveyed to him, in full reliance that no circumstances will be suffered to affect the scrupulous realization of the engagements and pledges entered into by the Mexican Government.

The Undersigned, &c.

(Signed) GEORGE B. MATHEW.

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No. 24.

*Mr. Mathew to Lord J. Russell.*—(*Received April* 3.)

My Lord, *Mexico, February* 28, 1861.

I HAD the honour of receiving your Lordship's despatch of the the 12th January by Mr. Walsham, a few days after my return to this capital.

Your Lordship's instructions to proceed to Vera Cruz, and to tender to President Juarez, upon certain terms, the offer of the recognition of Her Majesty's Government and of the moral support of Great Britain, had become obviously more applicable under the circumstances of the re-establishment of the Constitutional Government, and of the restoration of peace.

I therefore addressed a note to Señor Zarco, the newly appointed Minister for Foreign Affairs, recapitulating the conditions laid down by your Lordship (most of which, as detailed in my despatch of the 25th instant, I had previously carried out), which your Lordship will find, by the inclosed reply, were readily agreed to.

In a subsequent personal interview, Señor Zarco expressed to me the earnest desire of President Juarez and his Cabinet that I should make this tender of recognition at a reception at the palace, similar to that recently attended by the Prussian Minister, upon the ground of the important effect it would have in restoring public confidence, and in neutralising the efforts—mainly based upon false representations of the feeling of foreign Courts, which are notoriously being made to disturb the existing tranquillity.

I was happy to find that Captain Aldham concurred with me in admitting the cogency of this reasoning, and I therefore did not hesitate in taking upon myself to tender, at an official reception, the recognition of Her Majesty's Government to the present Government of Mexico.

I have the honour to transmit herewith a copy of the few remarks which I was induced by the peculiar present circumstances of the country to address to President Juarez, and of his reply.

In accordance with the inclosed communication from Señor Zarco, I availed myself of the occasion to replace Her Majesty's flag on the Legation, upon which the national Mexican colours were displayed at the Palace and other public buildings, as a mark of respect, and of reprobation of the outrage of which the Legation was recently the object.

Your Lordship will have learnt from Señor Zarco's note of the 12th instant, inclosed in my despatch of the 25th instant, that the Mexican Government pledge themselves to repay the sum of 660,000 dollars, of which the bondholders were then plundered. Since this, Mr. Whitehead has been in frequent communication with Señor Prieto, the Minister of Finance, with the view of making satisfactory arrangements for the purpose.

I am convinced of the sincere desire entertained by this Government to meet this, as well as all the numerous just reclamations of Her Majesty's subjects; but the resources of the country have been utterly exhausted by three years of civil war, and by the lawless exactions of their adversaries, and their consequent financial distress is extreme. I think, however, that by consenting to capitalise this amount, the bondholders might secure to themselves some important general advantages.

In concluding this despatch, I beg leave to notice briefly some of the remarks of Mr. McGarel, the Deputy Chairman of the bondholders.

I was induced to advise Mr. Whitehead not to send his funds by the last conducta, in consequence of private information that, by the advice of Señor Munoz Ledo and Señor Diaz, it had been arranged that the money should be seized at Puebla, on the pretence, subsequently advanced, that it was still the property of Mexico until actually paid over in London.

With respect to my departure from the capital, so far from that being a sudden or hurried step, I took upon myself to suspend your Lordship's commands for nearly three weeks, in the hope of furthering the peace

proposals of General Degollado, and repeatedly consulted Mr. Whitehead during that period as to the possibility of any arrangement for giving security to the money.

The real object of General Miramon and his Ministers, who were well aware that their tenure of power was at its close, was to make for themselves, at any risk and by any means, a future provision, and they would not have been deterred by my presence from committing the act of plunder they had resolved upon for that object.

I have, &c.

(Signed) GEORGE B. MATHEW.

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Inclosure 1 in No. 24.

*Mr. Mathew to Señor Zarco.*

*Mexico, February* 22, 1861.

THE Undersigned has the honour to inform Señor Don F. Zarco, &c., that he has just received an important despatch from his Government relative to the lawless robbery committed at Her Majesty's Legation in this city, by the Government of General Miramon.

Her Majesty's Government have viewed this infamous act in the light it deserves, and have felt it imperative to adopt such a course as may evince their just reprobation; they desire, however, at the same time, to avoid the necessity of any steps that may inflict injury upon the Mexican people, who were innocent and helpless spectators of the outrages committed by the late guilty rulers in this capital.

Her Majesty's Secretary of State has therefore been pleased to authorize him to tender the recognition of Her Majesty's Government of his Excellency President Juarez, as the legal head of the Mexican Republic, together with the moral support of Great Britain, should his Excellency agree with Her Majesty's Government in due reprobation of the act of lawless outrage at Her Majesty's Legation, and be willing to acknowledge the just claims of British subjects for that and for the other acts of spoliation and violence they have suffered.

Her Majesty's Government must further reserve the right of making such equitable demands as may be necessary for the purpose of reparation and redress.

The Undersigned is truly rejoiced in the consciousness that these views of Her Majesty's Government have been already, in all the chief points, fully concurred in by his Excellency President Juarez and his Ministers.

He is therefore justified in the hope that their present exposition will be cordially responded to.

The Undersigned, &c.

(Signed) GEORGE B. MATHEW.

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Inclosure 2 in No. 24.

*Señor Zarco to Mr. Mathew.*

*Palacio Nacional, Mejico, Febrero* 23 *de* 1861.

EL Infrascrito, Ministro de Relaciones Exteriores de la República Mejicana, tiene la honra de acusar recibo de la nota que ayer se sirvió dirigirle el Señor Don Jorge B. Mathew, comunicandole el contenido de un despacho que acababa de recibir del Gobierno de Su Magestad Británica acerca del insulto hecho á la Legacion Inglesa por la faccion que en esta capital acaudillaba Don Miguel Miramon.

El Infrascrito se ha apresurado á dar cuenta á su Excelencia el Presidente con la nota del Señor Encargado de Negocios de Su Magestad Británica, y su Excelencia, que deplora y altamente reprueba el atentado de que se trata, de ninguna manera extraña la impresion que debe haber producido en el Gobierno de la Gran Bretaña, y por lo mismo le es satisfactorio haberse

anticipado á la expresion del deseo de aquel Gobierno para condenar en nombre de la nacion la ocupacion violenta de los fondos que estaban bajo el sello de la Legacion; para ordenar el enjuiciamiento de los culpables y el embargo de sus bienes para hacer efectiva su responsabilidad; y en fin para manifestarse dispuesto á tratar de este asunto y arreglar satisfactoriamente el modo de reembolsar conforme á justicia y derecho la suma ocupada, si no la cubren los bienes de los responsables; medidas todas que el Infrascrito ha comunicado antes de ahora al Señor Don Jorge B. Mathew.

El Gobierno Mejicano ve con satisfaccion que el Gobierno de Su Magestad Británica, guiado por un sentimiento de equidad y justicia, haya deseado y resuelto no causar daño por aquel atentado al pueblo de Mejico, considerandolo inocente y simple espectador del ultrage cometido por los cabacillas de los rebeldes.

La notoria justificacion del Gobierno de Su Magestad y la notoriedad de los hechos occurridos durante los ultimos tres años en esta República lo afirmaran en la creencia (asi lo espera el Infrascrito) de que el pueblo Mejicano no es culpable de los atentados cometidos por los usurpadores del poder, y de que si un numero reducido de ciudadanos fueron espectadores forzados del ultrage en esta capital, el pueblo Mejicano y sus autoridades legitimos lo condenaron con indignacion y redoblaron sus esfuerzos para recobrar la ciudad en que los rebeldes se guarnecian y devolver á nacionales y estrangeros los garantios y derechos que les habia arrebatado una faccion que jamas tuvo titulos de legitimidad.

Impuesto el Excelentisimo Señor Presidente de que el Señor Don Jorge B. Mathew está autorizado por su Excelencia el Secretario de Estado de Su Magestad para reconocerlo como Gefe legal de la República Mejicana, y ofrecerle al propio tiempo el completo apoyo moral de la Gran Bretaña, si concurre con el Gobierno de aquella nacion en reprobar debidamente el ultrage ilegal cometido en la Legacion de Su Magestad, y si está dispuesto á reconocer las reclamaciones justas de los subditos Británicos por este y por los otros actos de despojo y de violencia que hayan sufrido; su Excelencia ordena al Infrascrito contestar que es grande su satisfaccion al ver que el Gobierno de Su Magestad está dispuesto á mantener las amistosas relaciones que felizmente existen entre los dos paises, entendiendose al efecto con el Gobierno Constitucional de la República; que sincera y vivamente agradece la amistosa oferta del completo apoyo moral de la Gran Bretaña, como un medio eficaz de consolidar la paz y las instituciones libres en Mejico; que su Excelencia cree haberse anticipado al deseo del Secretario de Estado de Su Magestad con la reprobacion del atentado perpetrado en la Legacion (y en este punto el Infrascrito se refiere á la parte relativa de su nota del dia 12 del actual, cuya propuesta fué aceptada por el Señor Mathew en su contestacion del dia 16); y que su Excelencia reconocerá siempre toda reclamacion de subdito Britanico fundada en justicia, y la atenderá conforme á derecho, de lo que su Excelencia ha dado pruebas durante su administracion, cumpliendo en la parte de la República que no estaba sublevada, las obligaciones internacionales de Mejico.

Es grato al Infrascrito que el Señor Don Jorge B. Mathew exprese la conviccion de que en todos los puntos principales hayan concurrido y plenamente su Excelencia el Supremo Magistrado y los miembros de su Gabinete.

El Infrascrito, &c. (Firmado) FRANCISCO ZARCO.

(Translation.)

*National Palace, Mexico, February* 23, 1861.

THE Undersigned, Minister for Foreign Affairs of the Mexican Republic, has the honour to acknowledge the receipt of the note Mr. G. B. Mathew was pleased to address to him yesterday, acquainting him with the contents of a despatch which he had just received from Her Britannic Majesty's Government relative to the insult offered to the English Legation by the faction in this capital headed by Don Miguel Miramon.

The Undersigned has hastened to lay before the President Her Britannic Majesty's Chargé d'Affaires' note, and his Excellency deplores and highly

disapproves of the outrage in question, is in no way surprised at the impression which it must have made on the Government of Great Britain, and is therefore glad to have anticipated the wish of that Government by condemning, in the name of the nation, the forcible seizure of the funds which were under the seal of the Legation, and to have decreed the trial of the guilty and the sequestration of their property, in order to render their responsibility effective; and in short, to show himself disposed to occupy himself with this affair and satisfactorily arrange the mode of reimbursing, in conformity with justice and right, the sum taken, if not covered by the property of the responsible parties; all which measures were communicated before now to Mr. G. B. Mathew.

The Mexican Government views with satisfaction that Her Majesty's Government, guided by sentiments of equity and justice, has wished and resolved on not injuring the Mexicans on account of that outrage, considering them innocent and only simple spectators of the outrage committed by the Chiefs of the rebels.

The well-known justice of Her Majesty's Government, and the publicity of the deeds which have been committed during the last three years in this capital, will confirm them in the belief (at least so the Undersigned hopes) that the Mexicans are not capable of the outrages committed by the usurpers of power, and that if a small number of citizens were forced spectators of the outrage in this capital, the Mexicans in general and their legal authorities condemned it with indignation, and redoubled their efforts to recover the city, in which the rebels had fortified themselves, and to restore to natives and foreigners the rights and guarantees they had been deprived of by a faction that never had any titles of legitimacy.

His Excellency the President being informed that Mr. G. B. Mathew is authorised by his Excellency Her Britannic Majesty's Secretary of State to recognize him as legal Chief of the Mexican Republic, and offer him at the same time the complete moral support of Great Britain, concurs with the Government of that nation in disapproving of the illegal outrage committed on Her Majesty's Legation, and is ready to recognize the claims of British subjects for this and other acts of spoliation and violence which they may have suffered; and his Excellency directs the Undersigned to say in reply that his satisfaction is great on seeing that Her Majesty's Government is disposed to continue the friendly relations which happily exist between the two countries, by coming to an understanding with the Constitutional Government of the Republic; that he sincerely thanks and feels grateful for the friendly offer of the complete moral support of Great Britain as the only efficacious means of consolidating peace and free institutions in Mexico; that his Excellency believes that he has anticipated the wish of Her Majesty's Secretary of State by disapproving of the outrage committed on the Legation (and on this point the Undersigned refers to that part of his note of the 12th instant, the proposals in which were accepted by Mr. Mathew in his answer of the 16th); and that his Excellency will always recognise all claims of British subjects founded on justice, and will attend to them in conformity to right, of which his Excellency has given proofs during his administration, fulfilling in that part of the Republic which was not in rebellion the international engagements of Mexico.

It is satisfactory to the Undersigned that Mr. G. B. Mathew should have expressed his conviction that his Excellency the Supreme Magistrate and the members of his Cabinet have concurred on all the principal points.

The Undersigned, &c. (Signed) FRANCISCO ZARCO.

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Inclosure 3 in No. 24.

*Mr. Mathew's Address to President Juarez.*

Excelentisimo Señor,

CON la mas sincera satisfaccion, y cumpliendo con la orden que acabo de recibir, tengo la honra de ofrecer el reconcimiento del Gobierno de

Su Magestad la Reina de la Gran Bretaña á su Excelencia como Gefe legal de la República Mejicana, junto con la oferta del apoyo moral de la Gran Bretaña, que se debe no menos al honrado y justo parecer de su Excelencia y su Gabinete respecto de los hechos que han señalado con indelible infamia á la reciente arbitraria administracion en esta capital, que á la sabia base de libertad civil y religiosa en que se declara ser fundado el Gobierno de su Excelencia.

La Gran Bretaña ha tenido un constante y ardiente interes en la independencia, nacionalidad, y prosperidad de Mejico, y seria manifestar una ignorancia sumade los sentimientos y politica que animan á los consejos de la Reina mi Soberano si se dudara de su desinteres.

Las mutuas ventajas comerciales no impedidas por trabas y derechos subidos que siempre perjudican sus propios fines, y el goce mutuo de libertad constitucional, forman una union superior al del poder ó el dominio.

Permitaseme al congratular á su Excelencia por el termino de la lamentable guerra civil, que tanto ha perjudicado á Mejico, expresar mi ferviente esperanza de que la paz publica no vuelva á turbarse, pues de su continuacion y de los principios ahora establecidos, me parece, depende la nacionalidad de la República.

Generalizar una educacion sana, que no dudo será uno de los primeros objetos del Gobierno de su Excelencia, conducirá á los ciudadanos de la República á conocer que es unicamente por el curso legal, y por sus representantes en el Congreso, que miras y opiniones que pugnan con los estatutos existentes pueden ser tratados, y que cualquier otro modo menos pacifico merece ser considerado como traicion, y justamente expondrá á los que lo adopten á la suerte y titulo de traidores á su patria.

(Translation.)

Sir,

IT is with sincere gratification that, in fulfilment of the commands recently conveyed to me, I have the honour to tender the recognition of Her Majesty's Government to your Excellency, as the legal head of the Mexican Republic, together with the assurance of the moral support of Great Britain, which is due no less to the honourable and just views entertained by your Excellency and your Cabinet of the occurrences which have marked with indelible infamy the late arbitrary rule in this capital, than to the wise basis of religious and civil liberty on which your Excellency's Government is declared to be founded.

Great Britain has taken a constant and warm interest in the independence, the nationality, and the prosperity of Mexico, and it would betray gross ignorance of the sentiments and of the policy by which the councils of the Queen my gracious Sovereign are actuated were its perfect disinterestedness questioned.

The mutual advantages of commerce, unrestricted by trammels and by high duties, which invariably injure the very objects they are intended to carry out, and the mutual enjoyment of Constitutional liberties, form a better international bond than that of power or dominion.

Permit me, in congratulating your Excellency upon the termination of the lamentable civil war by which Mexico has been so deeply injured, to express a fervent hope that the public peace may not be again disturbed; for upon its endurance, on the public principles now established, I believe the nationality of the Republic to depend.

The extension of sound education, which is, I doubt not, one of the first objects of your Excellency's Government, will lead the citizens of the Republic to feel that it is only by the legal course, through their Representatives in Congress, that views and opinions at variance with existing Ordinances can be brought forward, and that any other less peaceful mode merits to be stigmatized as treason, and justly exposes those who adopt it to the name and to the fate of traitors to their country.

Inclosure 4 in No. 24.

*President Juarez' Reply.*

Señor Encargado de Negocios,

ME es grato el recibir por el organo de US. el reconocimiento que del Gobierno legal de la República hace la Gran Bretaña y el apoyo moral que esa Potencia se sirve ofrecer á Mejico, fundandose en la justa reprobacion que este Gobierno, en nombre del pueblo Mejicano, ha expresado contra los atentados que en la capital cometieron los rebeldes, que usurparon el poder, sin tener jamas titulos de legitimidad; y en que la libertad civil y religiosa es una de las bases de nuestras instituciones.

Sinceramente agradezco el interes que VS. acaba de manifestar, en nombre de su Gobierno, por la independencia, nacionalidad, y prosperidad de Mejico, cuyo Gobierno conoce demasiado la ilustracion de los Consejos de la Reina para poner en duda su interes hacia un pueblo que ha hecho tantos sacrificios por conquistar las grandes reformas que demandan la civilizacion y los principios de libertad con tanto vigor sostenidos por la misma Gran Bretaña.

El comercio, la libertad, la mutua confianza son tambien, en mi concepto, los vinculos mas fuertes que pueden unir á los dos pueblos, y será constante afan de este Gobierno estrechar mas y mas esos lazos y hacerlos duraderos.

Agradezco las felicitaciones que VS. se sirve dirigirme por el restablecimiento de la paz pública y de las instituciones legitimas, asi como los votos que hace porque Mejico, para reformar sus leyes é instituciones, no se aparte del sendero de la legalidad.

Veo en el reconocimiento que la Gran Bretaña hace del orden legal de la República un augurio de paz y de prosperidad, y una muestra de la rectitud y justicia que presiden los Consejos de su augusta Soberana.

VS. puede asegurar á su Gobierno que procuraré mantener y estrechar las cordiales relaciones que existen entre los dos paises, y que hago votos fervientes por la ventura y engrandicimiento de la Gran Bretaña.

(Translation.)

Sir,

IT is gratifying to me to receive, through you, the recognition of the legal Government of the Republic by Great Britain, and the moral support which that Power is pleased to offer to Mexico, based on the just disapproval this Government has expressed, in the name of the people, against the outrages committed in this capital by the rebels who usurped power, without ever having titles of legitimacy; and on the fact that civil and religious liberty is one of the bases of our institutions.

I feel sincere gratitude for the interest you have just shown, in the name of your Government, for the independence, nationality, and prosperity of Mexico, whose Government know too well the enlightened Councils of the Queen to doubt of their interest towards a people who have sacrificed so much in order to obtain the great reforms required by civilization, and the principles of liberty so vigorously maintained by Great Britain herself.

Commerce, freedom, and mutual confidence are also, in my opinion, the strongest bonds of union which can join the two nations, and it will be the constant endeavour of this Government to strengthen these and make them more lasting.

I thank you for your congratulations for the re-establishment of public peace and legitimate institutions, as also for the wish you express that Mexico in reforming her laws and institutions may not depart from the path of legality.

I see in the recognition by Great Britain of the legal order of the Republic an augury for peace and prosperity, and a proof of the rectitude and justice which guide the Councils of your august Sovereign.

You may assure your Government that I will endeavour to maintain and strengthen the cordial relations existing between the two countries, and

offer my most fervent prayers for the prosperity and aggrandizement of Great Britain.

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Inclosure 5 in No. 24.

*Señor Zarco to Mr. Mathew.*

*Palacio Nacional, Mexico, Febrero 25 de* 1861.

DE conformidad con lo que espresó el Infrascrito con fecha 12 del actual al Señor Don Jorge B. Mathew, tiene la honra de manifestarle, que mañana á las dos de la tarde, hora en que deberá enarbolarse en la casa de la Legacion el pavellon Británico, se enarbolará igualmente el nacional, como publico testimonio de la solemne reprobacion que el Supremo Gobierno ha dado al ultrage cometido por la faccion rebelde que dominaba en esta capital en la casa de la misma Legacion el 18 de Noviembre del año anterior.

El Infrascrito, &c. (Firmado) FRANCISCO ZARCO.

(Translation.)

*National Palace, Mexico, February* 25, 1861.

CONFORMABLY to what the Undersigned signified to Mr. Mathew on the 12th instant, he has the honour to acquaint him that, at 2 o'clock to-morrow afternoon, being the hour at which the British flag will be hoisted on the house of the Legation, the National flag shall be hoisted also, as a public testimony of the solemn reprobation manifested by the Supreme Government of the outrage committed in the house of the same Legation on the 18th of November of last year, by the rebellious faction which ruled in the capital.

The Undersigned, &c. (Signed) FRANCISCO ZARCO.

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No. 25.

*Lord J. Russell to Mr. Mathew.*

Sir, *Foreign Office, April* 5, 1861.

I HAVE to convey to you my approval of the arrangement which you had come to with the Government of Mexico for the settlement of the questions arising out of the conducta seizures at Tampico and Lagos, and the robbery of the bondholders' funds from Her Majesty's Legation, as reported in your despatch of the 25th of February last.

I am, &c.

(Signed) J. RUSSELL.

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No. 26.

*Lord J. Russell to Mr. Mathew.*

Sir, *Foreign Office, April* 5, 1861.

I HAVE to acquaint you, in reply to your despatch of the 23rd of February, that Her Majesty's Government approve of your having, under the circumstances mentioned in that despatch, formally recognized the Government of Señor Juarez.

I am, &c.

(Signed) J. RUSSELL.

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# MEXICO.

CORRESPONDENCE respecting British Claims on Mexico.

*Presented to both Houses of Parliament by Command of Her Majesty,* 1861.

LONDON:
PRINTED BY HARRISON AND SONS.

# AGREEMENTS

ENTERED INTO WITH THE

# CONSTITUTIONAL AUTHORITIES

AT

# VERA CRUZ,

BY

## CAPTAIN DUNLOP, R.N.,

AND BY

## CAPTAIN ALDHAM, R.N.

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*Presented to the House of Lords by Command of Her Majesty.*
1861.

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LONDON:
PRINTED BY HARRISON AND SONS.

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# Agreements entered into with the Constitutional Authorities at Vera Cruz, by Captain Dunlop, R.N., and by Captain Aldham, R.N.

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## No. 1.

*Captain Dunlop, R.N., to Señor Zamora.*

THE Undersigned, Captain of Her Britannic Majesty's ship "Tartar," commanding the British naval forces in the Gulf of Mexico, having already laid before the chief authorities the various grievances which Her Britannic Majesty's Government require to be redressed by the Party now in possession of Vera Cruz, in his letters of the 31st December and 7th January, addressed to his Excellency Don Manuel Gutierrez Zamora, the justice of which his Excellency has admitted, has now the honour to inform his Excellency that in order to remove the just indignation with which Her Majesty's Government has viewed the frequent infringement of the rights of British subjects in Mexico, and to bring this question of grievances to a prompt and satisfactory termination, the Undersigned submits for ratification the Articles herewith appended:—

1. That a Representative of the British creditors, to be named by Her Majesty's Minister in Mexico, be appointed at each of the Custom-houses under the control of the Party now in possession of Vera Cruz, whose duty it will be to attend to the punctual and full payment of the assignments to the British creditors, viz.:—

To be charged on the whole Customs Revenue 16 per cent. for the Diplomatic Convention Debt;

25 per cent. for the Mexican Bondholders in London;

And that to enable the representative of the creditors to discharge his duty faithfully, he shall at all times have access to the Custom-house books and papers, and the right to call for written explanations whenever he may consider such necessary for the interests of the creditors.

2. That an exact account be given to Her Majesty's Consul, within fifteen days of the date hereof, of the British Convention assignments for the year 1858.

3. That a monthly statement of the liquidation of the British Convention assignments at the Custom-house of Vera Cruz be given to Her Majesty's Consul in that city.

4. That a formal engagement be given that a similar monthly statement will be transmitted to Her Majesty's Consul at Vera Cruz, or to the person he may appoint to receive the same on his behalf, from all the Custom-houses under the control of the Party now in possession of Vera Cruz.

5. Immediate payment of all arrears on the British debt, or an additional assignment of 10 per cent. on the Free Customs Revenue, until the entire arrears both of interest and sinking fund are paid, without prejudice to the punctual and full payment of the 16 per cent. and 25 per cent. already referred to.

6. That the Tariff of 1856 be immediately put in force and adhered to, especially the 10th Article of the same. That a Decree to that effect be published in the "Gazette" of Vera Cruz.

7. The immediate payment to Her Majesty's Consul at Vera Cruz of 7,000 dollars due to the London bondholders, which was diverted from its proper channel.

8. That the authorities in possession of Vera Cruz insist upon the

assignments to the British creditors being punctually and fully paid at Tampico to the agent for the debt; and in case of failure to do so, the claim to be made good from the Custom-house at Vera Cruz at the expiration of one month's notice.

9. A Decree to be published in the "Gazettes" of Vera Cruz and Tampico severely censuring the conduct of Don Juan José de la Garza, Governor of Tamaulipas, for the illegal and violent treatment of Messrs. Jolly and Hazeon, British subjects at Tampico, by his order; and a formal assurance published in the same "Gazettes" that in future the Treaty between Great Britain and Mexico shall be formally and scrupulously observed, and especially in all that relates to the protection of British subjects, in all places under the control of the Party now in possession of Vera Cruz.

10. The British flag to be saluted at Tampico with twenty-one guns, which salute will not be returned.

11. The immediate payment to Her Majesty's Consul at Vera Cruz of the sum of 10,000 dollars, extorted from Messrs. Jolly and Hazeon by order of Governor Garza, and an additional sum of 2,500 dollars as indemnity to Mr. Hazeon for the treatment he received by order of the said Governor Garza.

12. Should the Party now in possession of Vera Cruz be regularly recognised by the Foreign Powers as the Supreme Government, the Articles preceding shall form the basis of a Diplomatic Convention.

13. Nothing herein contained shall be considered definitive until after complete reparation has been given at Tampico.

14. These Articles to be formally accepted, and ratified by due authority on behalf of the Party now in possession of Vera Cruz, and copies of the same exchanged within three days from the delivery thereof.

Executed and signed on board Her Britannic Majesty's ship "Tartar," off Sacrificios, this 24th day of January, 1859.

(Signed) HUGH DUNLOP.

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## No. 2.

*Señor Zamora to Captain Dunlop, R.N., January* 28, 1859.

[A COPY of this letter has not been received in the Foreign Office, but the tenour of it is sufficiently apparent from the answer returned to it by Captain Dunlop on the 2nd of February.]

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## No. 3.

*Captain Dunlop, R.N., to Señor Zamora.*

*"Tartar," off Sacrificios, February* 2, 1859.

THE Undersigned, Captain of Her Britannic Majesty's ship "Tartar," commanding the British naval force in the Gulf of Mexico, has the honour to acknowledge the receipt of his Excellency Don Manuel Gutierrez Zamora's note of the 28th January, and has to express his satisfaction at finding that his Excellency, on behalf of the party now in possession of Vera Cruz, has at once acceded to all the demands for the redress of the British contained in the note addressed by the Undersigned to his Excellency on the 24th January, with the exception of those set forth in the 1st and 5th Articles of the said note; and the Undersigned, with a view to manifest the sense he entertains of his Excellency's desire to terminate this question promptly and satisfactorily, consents, on behalf of Her Majesty's Government, to modify those two Articles. With regard to Article 1, in consequence of the representation made to the Undersigned by his Excellency Don Manuel Zamora that the appointment of an interventor or representative of the British creditors (with a right to call for and examine the Custom-house accounts whenever he should consider such necessary) would be in the greatest degree humiliating to the dignity of the authorities, as implying

that they were suspected of being capable of falsifying the monthly statement of the liquidation of the British assignments which is in future to be rendered from all the Custom-houses now under the control of the party in possession of Vera Cruz, and having received from Señor Zamora his word of honour that instructions will be given to the administrators of the Custom-houses to afford every possible facility at all times to Her Majesty's Consuls in the different ports to compare and verify these mensual statements, when he shall consider such necessary to rectify or clear up any part of the same which he may not clearly understand,—the Undersigned consents to relinquish the demand he made for the appointment of a representative of the creditors, and to accept in lieu thereof the assurance given by his Excellency that the British creditors will be punctually and fully paid without the intervention of a special agent for the creditors.

With respect to the 5th Article of the note addressed by the Undersigned to his Excellency Don Manuel Zamora of the 24th January, wherein it is proposed that 10 per cent. on the whole free customs revenue shall be set apart for the payment of the arrears of interest and sinking fund on the British debt in lieu thereof, the Undersigned consents to accept 8 per cent. on the free revenue received from all vessels (except French) until such time as the French arrears are paid, when 10 per cent. on all vessels except French shall in like manner be paid for the liquidation of the arrears on the British debt, until the whole of the French Convention debt is paid, when 10 per cent. upon all vessels (including French) shall be set apart for the liquidation of the British arrears of interest and sinking fund; and this payment first of 8 per cent., and then of 10 per cent., shall at no time interfere with the punctual and full payment of the 16 per cent. and 25 per cent. due to the British creditors upon the whole Customs of revenue.

With respect to the 11th Article of the same note the Undersigned having received information from Her Majesty's Consul at Tampico that a portion of the money extorted from Messrs. Jolly and Hazeon has already been repaid, and that the sum of 4,453 dollars is required to liquidate the whole amount, the Undersigned consents that the said sum of 4,453 dollars shall be paid into the hands of Her Majesty's Consul at Vera Cruz within one month from the 1st day of the present month of February, in lieu of the 10,000 dollars specified in the said note of the 24th January; the said sum of 4,453 dollars not to be deducted from the 8 per cent. set apart for the payment of the British arrears.

The Undersigned, &c. (Signed) HUGH DUNLOP.

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No. 4.

*Señor Zamora to Captain Dunlop, R.N.*

*Vera Cruz, á 7 de Febrero de* 1859.

EL Infrascrito, Gobernador Constitucional de Vera Cruz, autorizado por el Excelentisimo Señor Presidente interino Constitucional de la Republica Mexicana, como intermediario entre su Excelencia el Señor Comandante de las fuerzas navales de Su Magestad Británica en este golfo, Don Hugh Dunlop, en la negociacion entablada para tratar de las reclamaciones presentadas por il Gobierno de la Gran Bretaña, tiene el gusto de participar al propio Señor Comandante, en respuesta a su atenta nota de fecha 2 del corriente mes, que con arreglo a los puntos discutidos y acordados en las diversas comunicaciones que han mediado sobre este particular, conviene, á nombre del mismo Excelentisimo Señor Presidente, en las estipulaciones que á continuacion se expresan; quedando obligado su Excelencia á mantenerlas y cumplirlas, lo que asegura solemnemente el Infrascrito en su calidad de intermediario.

1. La Aduana de este puerto formará y entregará al Señor Consul de Su Magestad Británica en el mismo puerto, segun la orden respectiva que ha recibido ya esa oficina, una cuenta exacta de las asignaciones de la Convencion Británica por el año de 1858.

2. La Aduana de este puerto, asi como las demas Aduanas de la

dependencia del Gobierno Constitucional que reside hoy en Vera Cruz, formarán y entregarán al Señor Consul de Su Magestad Británica en esta plaza, ó á las personas autorizadas por este, estados mensuales de los ingresos habidos en dichas oficinas.

3. Las asignaciones de los acreedores Británicos seran punctual y plenamente pagados, pues el Gobierno Constitucional está dispuesto á cumplir este compromiso con la mayor buena fe.

4. Ademas del pago del diez y seis por ciento de la Convencion Ynglesa, y del veinte y cinco por ciento correspondiente á los tenedores de bonos Mejicanos en Londres, se separará ahora un ocho por ciento de los derechos de importacion que causen los buques extrangeros (con excepcion de los Franceses por estar ya estos muy recargados) para el pago de lo atrasado de intereses y caja de amortizacion sobre la Convencion Británica.

5. Tan luego como hayan sido cubiertos los caidos de la Convencion Francesa, los creditos pendientes por órdenes de pago expedidos á favor de subditos Franceses hasta 17 de Diciembre de 1857, y la suma que se fige por via de indemnizacion á favor, tambien, de subditos Franceses en el arbitrage que va á celebrarse proximamente, segun lo estipulado sobre el particular con el Señor Contra-Almirante Don Edouard Pénaud, cuyos valores deben ser satisfechos con otro ocho por ciento sobre los derechos de importacion (con exclusion tambien de los buques Franceses), será elevada á diez por ciento la nueva asignacion de que trata la estipulacion antecedente, para el pago de los atrasos de la Convencion Británica, debiendo entenderse que en dicha asignacion no serán comprendidos los buques Franceses.

6. Una vez pagado totalmente el valor de la Convencion Francesa, se separará el diez por ciento indicado para el pago de lo atrasado de la Convencion Británica de los derechos de importacion, comprendiendo entonces los que causen los buques Franceses.

7. Se entregará lo que hoy se resta de la cantidad que dejó de satisfacerse en Setiembre ultimo perteneciente á los tenedores de bonos Mejicanos en Londres.

8. El Gobierno Constitucional continuará esforzandose por que se pague por la Aduana de Tampico lo perteneciente á las asignaciones Británicas, y en el caso de que no se haga el pago en aquella, estando esa oficina bajo la dependencia del propio Gobierno, se hará en esta plaza.

9. Será satisfecha la suma de cuatro mil cuatro cientos cincuenta y tres pesos, que se adeudan para la liquidacion del importe total de las sumas ocupadas en Tampico á los Señores Jolly y Hazeon, y este pago se verificará en el termino de un mes, contado desde el dia primero de corriente, en manos del Señor Consul de Su Magestad Británica en este puerto, salvo el caso de que antes se haya hecho en Tampico. Dicha suma no será deducida del ocho por ciento asignado segun la estipulacion cuarta.

10. En el caso de que el Excelentisimo Señor Presidente interino Constitucional de la República ocupe la capital de la misma, como es de esperarse de su buen derecho y en virtud de la voluntad de la mayoria de la nacion, mantendrá, porque lo creé justo, lo que estipula ahora; pero declara que en cuanto á que estas estipulaciones servan de base á una futura Convencion Diplomatica, creé conveniente reservarse, y se reserva en efecto, el derecho natural de discutir, cual y como deber ser esta, cuando se entable, por los medios regulares y debidos, la solicitud respectiva.

*Nota explicativa.*—No se hace merito en estas estipulaciones de los puntos á que se refieren los Articulos 6, 9, 10, y 11, de la nota dirigida por el Infrascrito al Señor Comandante de las fuerzas navales de Su Magestad Británica con fecha 28 de Enero de este año, á saber :—

6. Sobre derogar los Decretos de este Estado de fecha 15 de Enero y 15 de Marzo de 1858, y dejar en vigor, en todas sus partes, el Arancel de Aduanas Maritimas y Fronterizas expedida in 1856 ;

9. Sobre publicacion de una órden circular desaprobatoria de la conducta del Excelentisimo Señor Garza, en Tampico, respecto de los subditos Británicos;

10. Sobre el saludo que vá á hacerse al pabellon Británico en Tampico ;

11. Sobre pago de los mil y quinientos pesos como indemnizacion acordada al Señor Hazeon, por los daños y perjuicios que reclamó ;—porque ya han sido arreglados del todo, y ejecutadas satisfactoriamente las resoluciones que se adoptaron, de conformidad por ambas partes, considerandose ya finalizados estos puntos.

(Firmado) MANUEL G. ZAMORA.

(Translation.)

*Vera Cruz, February* 7, 1859.

THE Undersigned, Constitutional Governor of Vera Cruz, authorized by his Excellency the Constitutional President *ad interim* of the Mexican Republic to act as the channel of communication between his Excellency and Captain Dunlop, in command of the British naval force in the Gulf, in the negotiation now set on foot for the discussion of the claims presented on behalf of British subjects by the Government of His Majesty, has the satisfaction of stating to Captain Dunlop himself, in reply to his courteous note of the 2nd instant, that, with reference to the points discussed and conceded in the various communications which have passed on this subject, he agrees, in the name of his Excellency the President aforesaid, to the following stipulations; his Excellency being bound to fulfil and maintain the same, and this assurance the Undersigned, in his quality of the mouth-piece of his Excellency, solemnly gives :—

1. The Custom-house of this port shall make out and deliver to Her Britannic Majesty's Consul, in compliance with the order to that effect which has been issued to it, an exact account of the British Convention assignments for the year 1858.

2. The Custom-house of this port, as well as the other Custom-houses under the direction of the Constitutional Government, having its seat at present in Vera Cruz, shall make out and deliver to Her Britannic Majesty's Consul at that port, or to persons authorised by him, monthly statements of the entries made in the said offices.

3. The British creditors' assignments shall be paid punctually and in full, the Constitutional Government having taken measures to carry out this obligation with the most entire good faith.

4. Besides the payment of the 16 per cent. due to the English Convention, and of the 25 per cent. belonging to holders of Mexican bonds in London, there shall be now set apart 8 per cent. of the Custom-house dues on foreign vessels (with the exception of French vessels, which are already very heavily taxed) for the payment of arrears of interest, and for the sinking fund of the British Convention.

5. As soon as the arrears due on the French Convention have been paid off, as well as the credits pending on account of orders for payment made out in favour of French subjects up to the 17th of December, 1857, and whatever sum may be agreed upon as indemnification for French subjects by the arbitrators who are shortly to meet, in accordance with the stipulation made on this head by Rear-Admiral Pénaud, all which amounts are to be met by another 8 per cent. on the import duties (French vessels being, as before, exempted from their payment), the new assignment treated of in the preceding stipulation for the settlement of the arrears of the British Convention shall be raised to 10 per cent.; it being, however, understood that in this assignment French vessels are not to be made to pay.

6. As soon as the French Convention debt has once been wholly paid off, the 10 per cent. on the import duties above mentioned shall be set aside for the payment of the arrears on the Convention of Great Britain, and in this case the dues paid by French vessels shall be allotted to the purpose.

7. The amount now due to the holders of Mexican bonds in London, and which was left unpaid in September last, shall be paid.

8. The Government of Vera Cruz will continue using every effort to enforce the payment of the British assignments by the Custom-house of Tampico, and should it not make that payment, as the Tampico Custom-house is under the orders of its own Government, the payment shall be made in this place.

9. The sum of 4,453 dollars, still owing on the whole amount exacted at Tampico from Messrs. Jolly and Hazeon, shall be paid, and this payment shall be made within one month from the 1st instant into the hands of Her Britannic Majesty's Consul at this port, unless it should have been previously made in Tampico. This sum shall not be deducted from the 8 per cent. mentioned in the 4th stipulation.

10. Should his Excellency the Constitutional President *ad interim* of the Republic come into possession of the capital, as his right to do so and the wish of a majority of the nation leads us to hope, he will maintain, as appears to him just, the stipulations to which he has now agreed; but he declares that with regard to those stipulations ever serving as the base of a future Diplomatic Convention, he thinks it proper to reserve to himself, and does in fact reserve, the natural right, should such negotiations be regularly and duly instituted, of discussing the nature of any such Convention.

*Explanatory Note.*—In these stipulations no credit is taken for the points referred to in Articles 6, 9, 10, and 11, of the note addressed by the Undersigned to the Commander of Her Britannic Majesty's naval force on the 28th of January last, viz. :—

6. For annulling the Decrees of this Government of January 15 and March 15, 1858, and leaving in force, in all its points, the Frontier and Maritime Custom-house Tariff issued in 1856;

9. For the publication of a circular censuring his Excellency General Garza, of Tampico, for his conduct towards British subjects;

10. For the salute which is about to be given in Tampico to the British flag; and

11. For the payment of 2,500 dollars as indemnification to Mr. Hazeon for the outrages out of which his claim resulted;—as the decisions come to upon these points have been satisfactorily put into execution by mutual consent, and may now be considered as terminated.

(Signed) MANUEL G. ZAMORA.

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No. 5.

*Captain Dunlop, R.N., to Señor Zamora.*

*"Tartar," off Sacrificios, February* 8, 1859.

THE Undersigned has the honour to acknowledge the receipt of his Excellency Don Manuel Gutierrez Zamora's note of the 7th instant, in which his Excellency, in the name of the party now in possession of Vera Cruz, agrees to and undertakes to carry into effect the Articles contained in the note addressed by the Undersigned to his Excellency of the 24th of January, with the modification of the 1st and 5th Articles of the said note, as agreed to by the Undersigned in his supplementary note of the 2nd of February.

The Undersigned has the honour to call his Excellency's attention to an omission in the first Article of the note of the 7th instant, viz., that the account of the British Convention Assignments for the year 1858 is to be rendered to Her Majesty's Consul, within the specified period of fifteen days.

As the Undersigned believes that this omission was accidental, in calling his Excellency's attention to it he hopes that he has done enough to ensure that the account will be sent to Her Majesty's Consul without delay.

The Undersigned has much satisfaction in acquainting his Excellency that as soon as he receives the report of the commander of the ship he has sent to Tampico, that the salute to the British flag has been duly rendered, the Undersigned will consider that there only remains the execution of those Articles that have not already been carried into effect, to terminate the question between Her Majesty's Government and the party now in possession of Vera Cruz.

In consequence of his Excellency's having used the term "Consti-

tutional President of the Republic of Mexico," in the note which the Undersigned has the honour to acknowledge, the Undersigned feels it incumbent on him to remind his Excellency that, in the correspondence which he has had the honour to hold with his Excellency, the Undersigned has never acknowledged, nor does he now acknowledge, any such person, and he addresses himself to his Excellency as one of a party which is in possession of Vera Cruz, and certain other seaports.

The Undersigned, &c. (Signed) HUGH DUNLOP.

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No. 6.

*Terms agreed upon between Captain Aldham, R.N., and Señor Ocampo, for payment of Convention and Loan Interest and Arrears.*

MEMORANDUM de los términos en que el Infrascrito, Ministro de Relaciones, conviene en que el Señor Captain W. C. Aldham proponga al Gobierno de Su Magestad Británica para terminar las dificultades que se han suscitado á consecuencia de la infraccion de la Convencion Dunlop en los puertos de Vera Cruz y Tampico:—

1. Se separará un diez por ciento adicional de los derechos de importacion, en todos buques, en las Aduanas de Vera Cruz y Tampico, para cubrir las sumas retenidas en ambos puertos durante el presente año: y cubiertas que sean estas sumas, cesará la separacion del espresado diez por ciento, volviendo al fondo comun del Tesoro Nacional.

2. El pago corriente de las asignaciones comenzará otra vez el 1 de Enero próximo de 1861, escepto la del nuevo diez por ciento, que comenzará solamente el dia 1 del siguiente mes de Febrero; antes de cuyo tiempo, la Aduana Maritima de este puerto ministrará al Consul de Su Magestad Británica un estado completo y exacto de las sumas no pagadas por ella en todo el presente año.

La misma cuenta especificada y exacta se entregará al Señor Consul de Su Magestad Británica por la Aduana de Tampico en todo el mes próximo de Enero, por las sumas de igual naturaleza que esta Aduana haya dejado de entregar en todo el año.

3. El Gobierno se compromete solemnemente á no tolerar en lo sucesivo la violacion de esta y de la Convencion Dunlop; y á remover de oficio á cualquier oficial ó empleado público de su resorte y dependencia que atente de nuevo contra este arreglo, ó el del Capitan Dunlop; y respecto de los funcionarios cuya remocion ó castigo no dependan de la autoridad Federal, se compromete á excitar eficazmente á los tribunales que deban conocer de sus actos, para que por ellos se les imponga el castigo que merezcan.

(Firmado) W. CORNWALLIS ALDHAM.
M. OCAMPO.

(Translation.)

MEMORANDUM of the terms which the Undersigned, Minister for Foreign Affairs, invites Captain W. C. Aldham to propose to the Government of Her Britannic Majesty, for the purpose of terminating the difficulties which have arisen in consequence of the infraction of the Dunlop Convention at the ports of Vera Cruz and Tampico:—

1. An additional 10 per cent. on all import duties, from all vessels, shall be assigned at the Custom-houses of Vera Cruz and Tampico, to repay the sums withheld in both ports during the present year; and when these sums are paid up, the said new assignment of 10 per cent. shall cease, and return to the National Treasury.

2. The payment of the assignments shall commence on the 1st of January, 1861, excepting that of the new 10 per cent., which shall not commence until the 1st February, by which time the Sea Custom-house of this port shall furnish Her Majesty's Consul with a complete and exact statement of the sums unpaid by it during the whole of the present year.

A similar specific and exact statement shall be furnished to Her

# Correspondence with Prince Talleyrand respecting Poland. 1831.

No. 1.

*Prince Talleyrand to Viscount Palmerston.*—(*Received July* 20.)

*Londres, le* 20 *Juillet*, 1831.

LE Soussigné, Ambassadeur de Sa Majesté le Roi des Français près Sa Majesté Britannique, a l'honneur d'adresser à Lord Palmerston, Premier Secrétaire d'Etat au Département des Affaires Etrangères, la copie d'une dépêche qu'il a reçu de M. le Général Count Sébastiani, relativement à la situation actuelle de la Pologne, et aux démarches de conciliation que le Gouvernement du Roi aurait le désir de faire de concert avec le Gouvernement de Sa Majesté Britannique.

Cette communication, dont le Soussigné a déjà fait connaître la substance à Lord Palmerston, dans plusieurs entretiens, notamment dans celui du 14 de ce mois, a pour but de satisfaire à la demande qu'il lui a fait de recevoir, à ce sujet, une pièce sur laquelle il serait à portée de fixer l'attention spéciale du Conseil de Sa Majesté Britannique.

Le Soussigné prie Lord Palmerston de vouloir bien lui faire part de l'opinion que le Gouvernement Anglais se sera formée sur la communication qu'il est chargé de lui faire, et il saisit, &c.

(Signé) LE PCE. DE TALLEYRAND.

(Translation.)

*London, July* 20, 1831.

THE Undersigned, Ambassador from His Majesty the King of the French to His Britannic Majesty, has the honour to address to Lord Palmerston, Chief Secretary of State for the Department of Foreign Affairs, a copy of a despatch which he has received from General Count Sebastiani, relative to the present state of Poland, and to the advances towards conciliation which the King's Government has the desire to make in concert with the Government of His Britannic Majesty.

This communication, the substance of which the Undersigned has already made known to Lord Palmerston in several conversations, particularly in that of the 14th of this month, has for its object to satisfy the desire which he expressed to him to receive, with reference to this subject, a document upon which he would be in a situation to fix the special attention of His Britannic Majesty's Cabinet.

The Undersigned begs Lord Palmerston to have the goodness to inform him what opinion the English Government may form upon the communication which he is instructed to make to him; and he takes, &c.

(Signed) THE PRINCE DE TALLEYRAND.

Inclosure in No. 1.

*Count Sebastiani to Prince Talleyrand.*

Mon Prince, *Paris, le 7 Juillet*, 1831.

LE Roi, touché des maux qu'a déjà causés la guerre de Pologne à deux nations qui lui inspirent un si vif intérêt, jaloux d'assurer le maintien de la paix

chaque jour compromise par une lutte aussi prolongée, et non moins occupé de préserver l'Occident de l'Europe du terrible fléau que cette guerre traine à sa suite, s'est adressé avec confiance à l'Empereur de Russie pour mettre un terme à tant de malheurs, et faire cesser une effusion de sang dont l'humanité n'a que trop longtemps gémi. La pensée du Roi était aussi de conserver l'existence politique d'un peuple qui s'en est montré si digne par tant de courage et de patriotisme, et qui a pour sa nationalité la garantie des Traités de Vienne. Jusqu'ici les efforts du Roi n'ont pas obtenu les résultats qu'il était en droit de se promettre. Malgré leur peu de succès, Sa Majesté ne pense point qu'elle doive renoncer à la généreuse et pacifique médiation que lui conseillent ses sentiments personnels et que lui prescrit la situation de l'Europe. Elle croit surtout que si l'Angleterre agissait d'accord avec la France pour donner à cette salutaire intervention toute la force dont elle est susceptible, l'effet pourrait en être assuré par l'union de ces deux Puissances. Le Roi connaît assez les sentiments qui animent Sa Majesté Britannique pour espérer qu'elle ne refusera point de donner sa franche et complète adhésion à nos démarches et de joindre à nos efforts son action puissante, lorsqu'il s'agit aussi souverainement du bien de l'humanité et de l'intérêt général de l'Europe. Le désir de Sa Majesté, mon Prince, est que vous fassiez à ce sujet des ouvertures immédiates et pressantes au Gouvernement Anglais: nous en attendons le résultat avec une vive impatience.

Agréez, &c.
(Signé) HORACE SEBASTIANI.

(Translation.)

Mon Prince, *Paris, July* 7, 1831.

THE King, touched by the evils which the Polish war has already caused to two nations in which he takes so lively an interest, eager to ensure the maintenance of peace, compromised daily by so prolonged a contest, and no less engaged in preserving the West of Europe from the fearful sufferings which this war entails, has addressed himself confidentially to the Emperor of Russia in order to put an end to so many disasters, and to bring to an end blood-shedding over which humanity has only too long groaned. The King's intention was also to preserve the political existence of a people which has showed itself so worthy of it by so great courage and patriotism, and which has the guarantee of the Treaties of Vienna for its nationality. Up to the present time the King's efforts have not achieved the results which he had the right to expect. Notwithstanding their small success, His Majesty does not consider it his duty to renounce the generous and pacific mediation which his personal feelings recommend, and which the condition of Europe prescribes to him. He believes, especially, that were England to act in agreement with France for giving to this salutary intervention all the force of which it is susceptible, the effect might be made certain by the combination of these two Powers. The King is sufficiently acquainted with the feelings which animate His Britannic Majesty to entertain the hope that he will not refuse to give his frank and complete adhesion to our advances, and to join his powerful action to our efforts, at a time when the question of the welfare of humanity and of the general interest of Europe transcends all others. The desire of His Majesty, mon Prince, is that you should make immediate and pressing overtures to the English Government with reference to this subject: we are awaiting their result with much impatience.

Accept, &c.
(Signed) HORACE SEBASTIANI.

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No. 2.

*Viscount Palmerston to Prince Talleyrand.*

*Foreign Office, July* 22, 1831.

THE Undersigned has the honour to acknowledge the receipt of a note of the 20th instant from the Prince de Talleyrand, inclosing the copy of a despatch dated the 7th of July, addressed to his Excellency by Count Sebastiani, which the Undersigned has lost no time in laying before the King.

The Undersigned is commanded to express the sense entertained by His Majesty of the frank and conciliatory manner in which this communication has been made. It is His Majesty's sincere desire to cultivate the most friendly and confidential intercourse with the Court of France, more especially when the end in view is the preservation or the restoration of peace.

As far, therefore, as regards the desire of the French Government to secure to the Poles the national and political existence which it was one of the objects of the Treaty of Vienna to establish, the Undersigned has to state, in the most distinct terms, that His Majesty could not consent to see Poland deprived of the advantages of that arrangement; nor has the Undersigned waited for the present communication from the Prince de Talleyrand to make such representations upon this point to the Russian Cabinet as, without indicating any suspicion of the intentions of that Government, might prevent future misunderstanding.

The object of the communication which it is now proposed that France and England should jointly address to Russia, is an immediate cessation of hostilities, with a view to negotiations for the purpose of re-establishing peace between the contending parties by some lasting arrangement; and it appears from Count Sebastiani's despatch that a proposition to this effect has already been made to Russia by France, but hitherto without success.

If His Majesty had reason to think that the Emperor of Russia was disposed to avail himself of the good offices of the two Courts, and that their intervention might lead to an accommodation, His Majesty would willingly co-operate in a friendly endeavour to restore peace between Russia and Poland. But there are, on the contrary, too many reasons for fearing that a simple offer of mediation, so far from being desired by His Imperial Majesty, would, at the present moment, certainly be refused.

Can it then be expedient to make a proposal which there is no ground to hope would be accepted; and which, if refused, would leave to the two Governments the embarrassing alternative of either acquiescing in a determined rejection of their proposal, or of taking measures to enforce it by means of a more direct and effectual interference? The British Government certainly is not prepared to adopt the latter course. The effects and bearing of the contest upon the security of other States have not hitherto been such as to warrant measures of such a description; nor has the conduct of Russia towards England been calculated to excite any unfriendly feeling: she has, on the contrary, performed towards this country all the offices of a good and faithful ally, and, in the late difficult negotiations for the purpose of effecting a settlement between Belgium and Holland, she has acted with perfect fairness in her co-operation with the other four Powers.

Under these circumstances, His Majesty, deeply lamenting the calamities of a disastrous and desolating contest, does not think the time has yet arrived when he could be justified in adopting a proceeding which, however conciliatory in form, could not fail to alarm an independent Power, naturally jealous of its rights, and sensibly alive to everything which might appear to affect its national honour.

For these reasons His Majesty feels himself under the necessity of declining the proposal which the Prince de Talleyrand has been instructed to convey. But the Undersigned is at the same time commanded to repeat to his Excellency that there exists on the part of His Majesty a sincere and earnest desire to co-operate with the King of the French in promoting the general interests of humanity and peace. The King can never look with indifference on such a state of things as that which now exists in Poland. His anxious attention will be constantly directed to the progress of the contest, and though he finds himself compelled at present to withhold his assent to the proposed offer of a joint mediation, His Majesty will not be the less anxious to avail himself of any favourable opportunity which the friendly relations subsisting between the Courts of Great Britain and Russia may afford, to lend his assistance to the benevolent work of putting a stop to the further effusion of blood, and of restoring to the countries now suffering under all the evils of war, the enjoyment of the blessings of peace.

The Undersigned, &c. (Signed) PALMERSTON.

# POLAND.

CORRESPONDENCE with Prince Talleyrand respecting Poland. 1831.

*Presented to both Houses of Parliament by Command of Her Majesty.* 1861.

LONDON:
PRINTED BY HARRISON AND SONS.

# CORRESPONDENCE

WITH THE

# GOVERNMENT OF RUSSIA

RESPECTING THE

# AFFAIRS OF POLAND.

## 1831–32.

*Presented to the House of Lords, by Command of Her Majesty, in pursuance of their Address dated July* 19, 1861.

LONDON:
PRINTED BY HARRISON AND SONS.

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RETURN to an Address of the House of Lords, dated July 19, 1861;
*for*—

"Copies or Extracts of any Correspondence on the subject of Poland, which passed in the years 1831 and 1832, between the Governments of Great Britain and Russia."

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## No. 1.

*Lord Heytesbury to Viscount Palmerston.*—(*Received February* 10.)

My Lord, *St. Petersburgh, January* 21, 1831.

THIS Government is extremely sensitive upon the question of foreign interference with the affairs of Poland, so much so that I fear the subject could hardly be approached, or any advice be tendered, without offence. Any proposal to mediate, whether from France, or from any other Power, would be received, I am convinced, with high indignation, and lead to no beneficial result.

I have, &c.
(Signed) HEYTESBURY.

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## No. 2.

*Lord Heytesbury to Viscount Palmerston.*—(*Received March* 16.)

My Lord, *St. Petersburgh, February* 25, 1831.

I UNDERSTAND that an Ukase has been made out, appointing Field-Marshal Diebitsch to be Military Governor of Poland, and M. Engel to be the head of the Provisional Civil Government which is to be established at Warsaw after the entry of the Russian army.

These appointments announce a material change of system with respect to the future government of Poland.

I have, &c.
(Signed) HEYTESBURY.

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## No. 3.

*Viscount Palmerston to Lord Heytesbury.*

My Lord, *Foreign Office, March* 22, 1831.

YOUR Lordship's despatch of the 25th ultimo seems to imply that if the Russian arms should be finally triumphant in Poland, it is the intention of the Emperor to make some material change in the system of government in that country.

In an ordinary case of civil war between a Sovereign and his subjects, foreign States can have no grounds for interference, even by advice or remonstrance; but there are circumstances peculiar to the Kingdom of Poland which make it in this respect an exception to the general rule.

The Kingdom of Poland was created and attached to Russia by th Treaty of Vienna, to which most of the States of Europe were parties. That Treaty defines the relation in which Poland was to stand towards Russia, by providing that it should be attached to the Russian Empire by its constitution and should enjoy a distinct administration.

His Majesty's Government are of opinion that any change which would have the effect of incorporating Poland with the Russian Empire, and of destroying its separate administration and constitution, would be a breach of the Treaty of Vienna, to which England and all the other Powers who were parties to that Treaty would have an unquestionable right to object.

His Majesty's Government, however, are disposed to believe that the appointments announced in the Ukase mentioned in your Lordship's despatch are intended to provide for the emergency of the moment, and are applicable only to the interval which must elapse between the occupation of Warsaw by the Russian troops, and the complete restoration of the Emperor's authority as King of Poland. But if your Lordship should find that there exists any intention on the part of the Russian Government to make any material changes in the political condition of Poland, you are instructed to watch those changes with the closest attention, and to remonstrate in strong terms against any measure of this kind which might not be in strict accordance with the stipulations of the Treaty of Vienna.

His Majesty's Government could not admit that the revolt of the Poles, and their casting off the authority of the Emperor and King, could afford to the Russian Government any grounds for departing from the stipulations of the Treaty of Vienna.

That revolt cannot release Russia from engagements contracted with other Powers; engagements which had for their object, not merely the welfare of the Poles, but the security of neighbouring States.

In order to put your Lordship more completely in possession of the views of the British Government in 1814 and 1815 upon the subject of the arrangements for Poland, of the part which was taken with regard to those arrangements by the British Plenipotentiary at the Congress of Vienna, and of the bearing of those arrangements upon the security of other States, I send your Lordship copies of various despatches received at this office in the years 1814 and 1815.

Your Lordship will see explained in these papers the importance of the advanced military position which the Kingdom of Poland presents to Russia, interposed as it is between Austria and Prussia, and at no great distance from the capitals of each.

It is obvious that this position would become more commanding, if Poland, instead of being a separate kingdom, and occupied, as by its constitution is stipulated, only by native troops, were to become a Russian province, and the Russian army were to change its permanent stations from the Niemen and the Memel to the Vistula and the Warta; such an alteration in the military attitude of Russia must of necessity tend to give her an inconvenient ascendancy over Austria and Prussia, and might, under many conceivable circumstances, impress upon the policy of those two Powers a character very different from that which it might assume if free from external influence.

These considerations were felt in the year 1815, but they have acquired additional weight since that time, in consequence of the increased security which Russia has acquired on her Southern and on her Asiatic frontiers, by the successes of her arms over the Turks and the Persians; because in proportion as she is free from danger of all molestation in those quarters, she may concentrate her forces for any given purpose in Poland.

His Majesty's Government are fully sensible that it is a matter of great delicacy for one Government to make any communication to another as to the manner in which it may think fit to deal with subjects who have been subdued after an unsuccessful revolt; and they have too high an opinion of the generous and high-minded sentiments of the Emperor of Russia to doubt that his victory will be used with as much moderation

and mercy as may be consistent with the future security of his authority; but as far as you may find it useful and proper to touch upon this subject, you will conform your language to the sentiments entertained upon it by His Majesty's Government.

There is one other point to which I wish to direct your attention.

By Article I of the Treaty of Vienna it is stipulated that the Poles, subjects respectively of Russia, Austria, and Prussia, shall obtain a national representation and institutions regulated according to the kind of political existence which each of the Governments to which they belong shall think it useful and fitting to grant them.

It is understood that although this stipulation has been executed by Austria and Prussia, it has hitherto been entirely unfulfilled by the Russian Government. His Majesty's Government have been informed by the French Ambassador at this Court that instructions have been sent to the Duke de Mortemart to draw the attention of the Russian Government to this matter, and the French Government have expressed a wish that your Lordship might be instructed to support the Duke in his representations on this subject.

Your Lordship will of course be careful not to take any step on this business which could lead to any unfriendly discussions with the Russian Government, with whom His Majesty's Government are, under present circumstances, more than ever desirous of keeping up the closest relations of friendship.

But if the question should be agitated, your Lordship is instructed to state that as far as His Majesty's Government are informed of the facts of the case, it does not appear to them that the provisions of the Treaty of Vienna applicable to the Polish provinces of Russia have been hitherto carried into execution.

I am, &c.
(Signed) PALMERSTON.

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No. 4.

*Lord Heytesbury to Viscount Palmerston.*—(*Received April* 26.)

(Extract.) *St. Petersburgh, April* 13, 1831.

UPON the receipt of your Lordship's despatch of the 22nd March, I thought it advisable not to lose any time in informing Count Nesselrode of the nature of the instructions I had received, and in touching upon the several points to which my attention was directed. This I did in the order in which they stood in your Lordship's despatch, beginning with the obligations imposed upon us by the Treaty of Vienna, and the necessity in which England, as well as France, was placed to watch over the progress of the war in Poland, and to remonstrate in the event of any measures being adopted on its conclusion at variance with existing engagements. I also particularly alluded to the Special Commission lately named for the provisional government of Poland.

Count Nesselrode observed that we could not but do the Russian Government the justice to admit that the violation of the Treaty of Vienna was entirely on the side of the insurgents, who, in proclaiming the *déchéance* of the Emperor and the independence of Poland, had virtually destroyed the act to which they owed their existence as a nation. But notwithstanding the just indignation to which such conduct naturally gave rise, the Emperor would adhere to the strict letter of the engagements he had contracted with foreign Powers by the Treaty of Vienna; and, in proof of this, his Excellency read to me a despatch addressed to Prince Lieven in the course of last month (which that Ambassador was authorized to communicate to your Lordship in case any conversation upon the subject took place), explaining the provisional nature of the Special Commission which had been appointed, and declaring that His Imperial Majesty, although by no means disposed to admit any right of interference with the internal affairs of his dominions, would hold to the

strict letter of the engagements which Russia had really contracted with foreign Powers.

In answer to my allusion to the difference that would be given to the attitude of Russia by the permanent establishment of the Russian armies on the Vistula and the Warta, his Excellency observed that he could not understand why England and France should object to this, if the two Powers who might be supposed to be most immediately interested, approved of the measure. An attempt had been made by France to alarm the Court of Vienna upon this subject, and to engage it to join in its remonstrances to the Cabinet of St. Petersburgh, but entirely without success. Count Nesselrode here read to me a despatch from M. de Tatischeff, giving an account of Marshal Maison's conversation with Prince Metternich upon the subject, and the Prince's firm and decisive answer in approbation of the Emperor of Russia's proceedings. He further told me that a similar attempt had been made at Berlin, and though he was not yet officially acquainted with the answer, he had not the slightest doubt of its being essentially the same as that of Austria. "Indeed," observed his Excellency, "what possible difference can it make to these Powers or to Europe (if the army stationed in Poland be really faithful and devoted to its Sovereign) whether it wear a Polish or a Russian uniform? If it be not faithful, and be not attached to the Emperor (as there is but too much reason to fear so long as a Polish army shall exist there), the case may, indeed, be different; but then the inference to be drawn from the demand for its continued existence must be, that the object in view is not the tranquillity of Europe, but the weakening and embarrassing of Russia, by engaging her to maintain a force upon her frontier, ready to break into open rebellion upon every favourable opportunity. If," said the Count, "we are only to retain possession of Poland upon this condition, it would be better for us to make a present of it to any Power willing to accept the offer."

I strenuously denied the justice of this inference, in as far at least as England was concerned.

With respect to the want of institutions in the ancient Polish provinces of Russia, a question upon which I was instructed to support any observations that might be made by the Duc de Mortemart, Count Nesselrode informed me that the Duc de Mortemart had held vague language to the Emperor, but had not given any official character to his conversation.

Having made known to Count Nesselrode the feelings of the British Government upon these several points, I thought it unnecessary to push the conversation further, the more particularly as the line traced out for me by my instructions was rather to watch over what was done on the submission of the Poles than to take any official steps in their favour for the moment.

Upon my opening myself to the Duc de Mortemart upon the subject, and expressing my readiness to co-operate with him to a certain extent, his Excellency confirmed what had already been stated to me by Count Nesselrode, namely, that he had not as yet considered himself bound to do more than to recall to the recollection of the Emperor, as well as to that of Count Nesselrode, the engagements taken at Vienna, and to express the hope of his Government that they would not be violated. His instructions, he said, were not very precise, and were applicable rather to the moment of victory (which he did not think by any means arrived), when it might be attempted to give a good direction to the well-known magnanimity of the Emperor, than to the present state of things, when all was uncertainty and doubt.

The Duke then informed me that the assurances which had been given to him were perfectly satisfactory as far as they went. He had been told that the letter of the Treaty of Vienna would not be departed from; that no incorporation of the Kingdom of Poland with the Empire of Russia would take place; that the separate administration of the two countries would be maintained, though all the places in that administration might no longer be exclusively occupied by Poles; and lastly, that after the dissolution of the Polish army, arrangements would be made for supplying

its place in a manner that would have no just ground for complaint to any foreign Power.

My conversation with Count Nesselrode enabled me to arrive pretty nearly at the same conclusions, with this addition, however, that the present constitution of Poland will be virtually, if not openly, done away with. There will be some difficulty in dealing with this question, should foreign Powers be inclined to remonstrate upon it, as it does not appear that any particular form of constitution was guaranteed to Poland by the Treaty of Vienna.

Before I close this despatch, it may be proper for me to draw your Lordship's attention to the peculiar situation in which the Emperor will be placed with respect to his own people, when called upon to pronounce upon the future fate of Poland. Vast and unlimited as the Imperial Power is upon ordinary occasions, history teaches us that there is a force of public opinion in this country, when strongly excited, which cannot be braved, even by the Sovereign, with impunity. If, after all the blood that has been spilt, and the treasure that has been expended, in the recovery of Poland, everything is placed again upon the ancient footing; and if no punishment is inflicted on the authors of the cold-blooded assassinations which took place in Warsaw on the first breaking out of the insurrection. I do not believe that, irritated and exasperated as this nation is, the exercise of such magnanimity will be unattended with danger. The cry of the nation may become too powerful for even the Sovereign to resist, and, in despite of himself, he may perhaps be forced into measures which his own nobler feelings, his own unbiassed judgment, would probably induce him, under other circumstances, to reject.

P.S.—Since the above was written, Count Nesselrode has allowed me to read a despatch which he addresses to Prince Lieven by the present courier, commenting, but in a very friendly manner, upon the communications which I made to him by order of my Government relative to the affairs of Poland. As Prince Lieven is instructed to read this despatch to your Lordship, it will be unnecessary for me to say more than that the apparent understanding between England and France upon this subject is a much greater source of regret to this Government than anything contained in the representations I was called upon to make. Your Lordship will find this very forcibly stated in the concluding passages of Count Nesselrode's despatch.

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## No. 5.

*Lord Heytesbury to Viscount Palmerston.—(Received October* 30.)

(Extract.) *St. Petersburgh, October* 1, 1831.

AS the time is fast approaching when the promulgation of the Emperor's decision with respect to the future fate of Poland may be expected, I am naturally anxious to receive from your Lordship instructions of rather a more specific and positive character than those contained in the despatch which your Lordship did me the honour to address to me on the 22nd of March last. I am therein instructed, "that if I should find there exists any intention on the part of the Russian Government to make any material changes in the political condition of Poland, I am to watch those changes with the closest attention, and to remonstrate in strong terms against any measure which might not be in strict accordance with the stipulations of the Treaty of Vienna."

Now, the stipulations of the Treaty of Vienna are of so vague and general a nature that an entire and radical change may be effected in the political condition of Poland without the violation of any one of them.

The Treaty of Vienna merely states: "Le Duché de Varsovie est réuni à l'Empire de Russie. Il y sera lié irrévocablement par sa constitution, pour être possédé par Sa Majesté l'Empereur de toutes les Russies, ses héritiers et ses successeurs, à perpétuité. Sa Majesté Impériale se réserve de donner à cet ètat, jouissant d'une administration distincte,

l'extension intérieure qu'elle jugera convenable. Elle prendra avec ses autres titres, celui de Czar, Roi de Pologne, conformément au Protocole usité, et consacré pour les titres attachés à ses autres possessions.

"Les Polonais, sujets respectifs de la Russie, de l'Autriche, et de la Prusse, obtiendront une représentation et des institutions nationales réglées d'après le mode d'existence politique que chacun des Gouvernements auxquels ils appartiennent jugera utile et convenable de leur accorder."

In the mass of documents relating to the Vienna negotiations with which your Lordship has furnished me, I find, indeed, a great deal of discussion upon other points, but no positive engagements taken with respect to the Kingdom of Poland, beyond that of giving to it a constitution by which it shall be bound to the Russian Empire, and that of maintaining its distinct administration.

The maintenance of a distinct administration is easily understood, and no doubt could possibly occur; in that case a remonstrance would be necessary. But a constitution, the particular forms of which are nowhere specified, is a term of the most vague signification. The word itself does not necessarily imply even a representative form of government, though that a representation was meant, may be assumed from the introduction of that term in the latter paragraph of the Article, which relates more particularly to the Polish provinces not included in the kingdom. But the simple word "constitution," means anything or nothing. It requires definition to be comprehended.

To the constitution given to Poland after the conclusion of the Treaty of Vienna, it does not appear that the other Powers were either parties or guarantees. Indeed, it might be impossible for foreign Powers to guarantee a particular and unchangeable form of government to any country. The Emperor Alexander reserved to himself the right of giving that special constitution to Poland which he himself should consider to be best adapted to the country. Such a constitution he gave, and once given, we might perhaps be justified in holding it to be the particular form of government contemplated in the Treaty, and consequently, more or less, under our protection. But then, on the other hand, it appears that this constitution has already been altered and modified upon several occasions, without the slightest reference to foreign Powers, and without the slightest remonstrance on their part, first by the Emperor, and more recently, and more radically, by the Poles themselves, since they have thrown off their allegiance to their Sovereign. Under these circumstances, it is impossible for me to determine, without a further reference to your Lordship, to what extent modification may be carried without its being considered by the British Government to be a violation of existing engagements.

Upon the subject of a national army in Poland, after all that has passed, I am thoroughly persuaded that neither Austria nor Prussia will oppose its dissolution, the more particularly as its continued existence forms no part of the stipulations of the Treaty of Vienna; France may be more anxious upon the subject, but this will certainly render Russia immoveable in her determination to disband it.

The general sentiments of the British Government on the Polish question are perfectly well known at St. Petersburgh. Your Lordship's conversations with Prince Lieven, and the communications I have been charged to make here, can have left no doubt upon the subject. I have been constanty assured in reply, that the stipulations of the Treaty of Vienna will be strictly attended to, but this assurance amounts to little or nothing, for the stipulations themselves amount to little or nothing. Yet I am not authorized to ask more, certainly not under my present instructions, and, therefore, if your Lordship should now deem it necessary to go further, it will be expedient that your intentions should be made known to me, before any arrangements shall be finally determined on. What it may be the intention of the Russian Government to do, after the final pacification of Poland, I believe nobody can exactly tell, nor is it perhaps altogether decided. But from the reports in circulation, I am inclined to believe, that though the kingdom will be maintained in its integrity, with a distinct and separate administration, the army will be entirely disbanded, and the constitution very considerably modified. Such measures would

not be any violation of the Treaty of Vienna, however much at variance with the spirit in which that Treaty was negotiated.

I have, &c.

(Signed) HEYTESBURY.

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No. 6.

*Viscount Palmerston to Lord Heytesbury.*

My Lord, *Foreign Office, November* 23, 1831.

I HAVE received your Excellency's despatches reporting the opinion which prevails in St. Petersburgh that some considerable change is intended to be made in the Constitution of the Kingdom of Poland, explaining the arguments by which that supposed intention is defended, and asking for further instructions as to the course which your Excellency is to pursue with respect to the affairs of Poland in general.

His Majesty's Government have watched with unceasing interest and anxiety the progress of the contest in Poland. These feelings have been made known to your Excellency by the several communications which you have received from me, while they have not been concealed from the Representative of His Majesty the Emperor of Russia at the Court of London. You have also been apprized of the grounds upon which His Majesty's Government considered it not to be advisable to interfere directly in the contest between the Emperor of Russia and his Polish subjects.

The war being now over, and the authority of the Emperor as King being completely re-established in Poland, the time is come when His Majesty feels himself justified, both by his friendship for the Emperor of Russia and by the duty resulting from the obligations which he has contracted under the Treaty of Vienna, in addressing to His Imperial Majesty, in the most amicable tone, and with the deference which is due to his rights as an independent Sovereign, some observations as to the best mode of resettling the Kingdom of Poland under the dominion of the Emperor, on principles accordant with those on which its union with the Imperial Crown of Russia was originally formed, and in such a manner as may be most conducive to its future good government and tranquillity.

Your Excellency has already been instructed, by my despatch of the 22nd of March last, to express the confidence of His Majesty's Government that His Imperial Majesty would use his victory, when it should be obtained, with the moderation and mercy congenial with the high-minded and generous sentiments which are well known to animate the mind of His Imperial Majesty. It is, therefore, without any the slightest doubt of His Imperial Majesty's benevolent and merciful disposition, that I am commanded to instruct you to urge, whenever you may find a fit opportunity to do so, those considerations both of humanity and policy, which cannot fail to find advocates in His Imperial Majesty's own feelings, and which would recommend the greatest forbearance and lenity in the treatment of his Polish subjects who, by the success of His Majesty's arms, have been again reduced to obedience.

Above all, your Excellency is instructed to represent to the Russian Government how much severities of any kind, not authorized by the laws and Constitution of Poland, are to be avoided. If it should appear, therefore, that there is any intention of proceeding to measures of proscription and confiscation, as has been reported, you are instructed to represent to His Imperial Majesty's Government the impolicy and injustice of proceedings that would violate the Constitution, which, according to the stipulation of the Treaty of Vienna, was granted by the Emperor Alexander to Poland, and by which it is provided that no man shall be punished except by virtue of existing laws, and no criminal banished except by process of law, and by which the penalty of confiscation is for ever abolished.

His Majesty's Government, indeed, under all the circumstances of the case, would earnestly recommend a full and complete amnesty, from which those persons only should be excepted who have been guilty of the crime of assassination, and whose punishment would be effected by the ordinary course of justice.

This measure would appear to be one of the soundest policy. It could not in any degree weaken His Imperial Majesty's authority nor detract from his honour, being adopted at a moment when his power could no longer be resisted, and when such a measure could appear to be dictated only by the purest motives of benevolence and mercy. It could not fail to soothe the irritated feelings of the Poles, and to give them confidence in the Government, by preventing them from being exposed individually to vengeance; and it would do infinitely more than any harsh display of severity to reproduce among them those feelings of obedience to the Government which are necessary to its security and peace, and which cannot be expected under a system which might keep them in a state of continued insecurity and apprehension.

In this case, therefore, generosity and sound policy appear to go hand in hand, in suggesting that in order to make the possession of Poland conducive to the strength and prosperity of Russia, it is necessary for the Russian Government to conciliate the affections of the Poles, and to obliterate, instead of perpetuating, the traces of the recent contest.

The Poles have displayed during the late war, qualities both of intellect and courage, which prove them capable of being either useful or dangerous subjects, according to the manner in which they may be governed. It is needless to point out the resources which may be drawn from 4,000,000 of people, full of activity, enterprize, and intelligence, provided they are attached to their Sovereign, and contented with their political condition. But such a people must necessarily become a source of embarrassment and weakness if they are kept in a state of exasperation and discontent, which will only be controlled so long as no favourable opportunity shall occur to excite them into action.

Is it on the very frontier of an Empire, and in contact with military neighbours, that a wise Government would wish to place such elements of danger? Is it in the very outworks of defence that a prudent administration would incur the risk of having a population disaffected to its Government, and ready to join any invader who might promise them a milder rule and a better fate?

It is, then, not more upon principles of humanity than upon a friendly regard for the interests and the honour of Russia that His Majesty's Government instruct you earnestly to press upon the Russian Government a general and complete amnesty; an act which is understood to have been spontaneously offered by the Emperor on more than one occasion during the war, and which His Majesty's Government have reason to believe is also recommended by other allies of His Imperial Majesty.

Your Excellency was instructed in a former despatch to state that His Majesty's Government could not see with indifference the Poles deprived of the advantages which had been secured to them by the Treaty of Vienna. These advantages consisted in the stipulation that a Constitution should be granted to them, and in the Constitution which, in consequence of that stipulation, they afterwards received from the Emperor Alexander.

His Majesty's Government is not unmindful of the arguments which you state to have been adduced to prove that the Polish Constitution is in no degree identified with the Treaty of Vienna; but the validity of this reasoning cannot, as it appears to them, be maintained.

The Treaty of Vienna declared that the Kingdom of Poland should be attached to Russia by its Constitution. A Constitution the Emperor of Russia accordingly gave; and it surely is no forced construction of the meaning of that Treaty to consider the Constitution so given as existing thenceforth under the sanction of the Treaty. But it is argued that the same Power which gave may modify or take away. This, however, is an assertion for which no proof is afforded. The Constitution once given, became the link which, under the Treaty, binds the Kingdom of Poland to the Empire of Russia; and can that link remain unimpaired, if the Constitution should not be maintained?

Had the Constitution reserved to the Sovereign a right to change or modify, no objection could then have been made to the exercise of a power which would legally have been his. But the Constitution carefully guards

against any such acts of executive authority. It declares (Article 31) that the Polish nation shall for ever possess a national Representation, consisting of a Diet, composed of a King and two Chambers; it declares (Article 163) that the Organic Statutes and the Codes of Laws cannot be modified or changed, except by the King and the two Chambers; it requires (Article 45) that every King of Poland shall swear before God and upon the Scriptures, to maintain the Constitution, and cause it to be executed to the best of his power; and the Emperor Alexander on the 27th November, 1815, formally gave this Constitution, and declared that he adopted it for himself and for his successors.

Such are the provisions of the Constitution, which points out the authority by which any change or modification is to be made; and changes arbitrarily effected by the executive authority alone would obviously be violations of the Constitution.

It appears that some persons suppose the intention of the Russian Government to be to abolish the present form of government in Poland, consisting of a Diet composed of a King and two Chambers, and to substitute for the Chambers Provincial States such as those which have been established in Gallicia and in some of the provinces of Prussia; and it is argued that such a change would still leave to Poland a Constitution sufficient to satisfy the stipulations of the Treaty of Vienna. But could such a form of government, fairly, and according either to the letter or the spirit of the Treaty of Vienna, be considered as placing Poland in the situation which was thereby contemplated? That Treaty clearly appears to draw a marked distinction between the system of government to be established in those parts of Poland which had been annexed as provinces to Austria, Prussia, and Russia, and had been incorporated in their respective dominions, and that part which was to form the separate Kingdom of Poland, and which was to be placed, as such, under the same Sovereign as Russia, and secured in the enjoyment of its distinct rights and privileges.

In the former provinces, accordingly, the grant of Provincial States was perfectly in accordance with the rights to be exercised by the Sovereign over Provinces that were incorporated with his other dominions; while the Constitution given to the Kingdom of Poland was suited to the separate and distinct position in which it was placed in its relation to the Russian Empire.

But in the separate Kingdom of Poland, united according to the Treaty of Vienna by its Constitution with the Crown of Russia, to abrogate that Constitution, and to substitute Provincial States, expressly modelled after those which had been granted to the incorporated provinces of Austria and Prussia, would be, in effect, to reduce that Kingdom, though still nominally possessing a separate existence, to the state and condition of a province, deprived of all the rights and excluded from all the advantages which had been secured to it.

It cannot be admitted that the revolt of the Poles, and their violation of the Constitution by voting the separation of Poland from the Crown of Russia, can absolve the Emperor, after his authority has been re-established, from his obligation to adhere to that Constitution. Wrongs committed by one side are not to be punished by the commission of wrongs on the other. From the submission of the Poles to the arms of His Imperial Majesty, Europe looks for the re-establishment of law and justice, and not for acts of retaliation and vengeance; since whatever excuse such acts may find in the troubles of an intestine war, they could not be palliated if resorted to by a Power which has subdued all opposition, and which cannot plead for its measures the necessity of any pressing emergency.

It has often been stated in the Proclamations which have been issued by the Russian Government from time to time during the war, that only a part of the Poles had joined in the revolt, and that the majority of the nation remained faithful. If that be so it affords a strong argument for not punishing the innocent for the offences of the guilty, by depriving all of the advantages which the Constitution confers upon them.

If, on the contrary, the whole of the nation should appear to have partaken in the revolt, such a general insurrection could only have

proceeded from deeply-seated discontent, and such a feeling is not likely to be removed by a sweeping abrogation of the Constitution.

In pressing these considerations upon the Russian Government, your Excellency will be careful that while, on the one hand, you urge, as far as possible, the arguments which have been suggested, you do not, on the other, depart from that tone of friendly representation which is suited to the amicable relations existing between Great Britain and Russia.

I am, &c.

(Signed) PALMERSTON.

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No. 7.

*Lord Heytesbury to Viscount Palmerston.*—(*Received January* 18.)

My Lord, *St. Petersburgh, January* 2, 1832.

THE answer of the Russian Government upon the Polish question is such as I feared it would be, namely, a refusal to admit our interpretation of the Treaty of Vienna, and a determination to persevere in the arrangements previously announced.

The despatch to Prince Lieven in which this answer is conveyed, was given to me to read by Count Nesselrode this evening. It will be sent off by a messenger to-morrow, who will also be the bearer of this despatch. It will, no doubt, give your Lordship great regret to observe the little effect produced by your arguments. Those with which I endeavoured to support them have proved equally unsuccessful. There is an instinct of self-preservation stronger than all the arguments in the world, and against which no reasoning can prevail. This Government is persuaded that its own security depends upon the suppression of privileges, which already in fifteen short years have borne such bitter fruit, and your Lordship may be assured that nothing short of positive inability will prevent their suppression, in so far, at least, as it can be done without any direct violation of the strict letter of the Treaty of Vienna.

The despatch to Prince Lieven (which he will receive orders to communicate to your Lordship) is, however, courteous and friendly in its tone, though firm and positive in its rejection of our suggestions, and clearly expressive of the hope that they will be the last. All the arguments of your Lordship's despatch are recapitulated and replied to in detail; and these replies are based upon the same chain of reasoning which I have already had the honour of detailing to your Lordship upon more than one occasion. But the real motives which led to the rejection of our suggestions are not those put most prominently forward, nor, indeed, are these more than obscurely hinted at in Count Nesselrode's despatch, which is principally occupied with explanations of the engagements contracted by the Treaty of Vienna. They are, however, very easily summed up. In the first place, it is believed that no measures of conciliation or favour would ever reconcile the higher classes in Poland to Russian dominion; secondly, that a restoration of privileges, therefore, would only be the restoration of the powers of resistance; and, thirdly, that even if means could be found to paralyse those powers, the peaceable co-existence for any long period, and under the same sceptre, of absolute government in Russia, and constitutional liberty in Poland, would be impossible.

These are, I apprehend, the real motives for the refusal to listen to our arguments. The question is a question of life or death to this Government. It feels it to be so; the public at large feel it to be so; and the refusal will, I fear, be steadily persisted in, let the consequences be what they may.

It must not, however, be concluded that our efforts in favour of the Poles have been entirely thrown away. It will be sufficient to cast our eyes towards the Russo-Polish provinces not included in the Kingdom of Poland, and, consequently, out of the reach of foreign intervention, to be convinced of the contrary. In the Kingdom of Poland, setting out of the question those accused of assassination, and the officers of the three corps of Kaminski, Rybinski, and Ramorino, who form a class apart, and who

are now gradually returning to their homes, upon consenting to renew their oaths of allegiance, there are not above twenty individuals excluded from the amnesty, or who will suffer for their political conduct. But in the Russo-Polish provinces incorporated with the Empire, confiscation of property, exile, or deportation to Siberia are the general lot. Not an individual has been suffered to escape who took any active part in the Revolution. This different measure of punishment, though it speaks little, perhaps, in favour of the clemency of this Government, shows clearly the effect of foreign intervention. We may not have gained much; but we, at least, have the consolation of reflecting that the course pursued would have been infinitely more severe had we not taken the line we did.

I have, &c.

(Signed) HEYTESBURY.

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No. 8.

*Count Nesselrode to Prince Lieven.*—(*Communicated to Viscount Palmerston by Prince Lieven, January* 18, 1832.)

Mon Prince, *St. Pétersbourg, le* $\frac{22 \text{ Decembre. } 1831}{3 \text{ Janvier, } 1832}$.

PAR mon expédition du $\frac{5}{17}$ Décembre, j'ai eu l'honneur d'entretenir préalablement votre Altesse de l'objet des communications que Lord Heytesbury venait de nous adresser, par ordre de sa Cour, relativement aux affaires de Pologne. Ayant depuis pris les ordres de l'Empereur je me trouve à même de vous faire connaitre, mon Prince, le point de vue sous lequel Sa Majesté envisage ces communications.

Elles se divisent en deux parties distinctes. Ce sont d'abord des conseils bienveillants, offerts à l'Empereur sur les moyens les plus propres à calmer les esprits en Pologne, à leur inspirer de la confiance, à effacer, en un mot, les traces de la lutte sanglante à laquelle la victoire des armes Russes vient de mettre un terme, et en second lieu, quelques observations sur l'interprétation des Articles du Traité de Vienne auxquels le Royaume de Pologne doit son existence.

En nous adressant ces observations et ces conseils, le Cabinet Britannique a reconnu combien était délicate la tâche qu'il a cru devoir s'imposer. Aussi son langage dans cette circonstance est-il empreint de tous les ménagements que l'amitié a pu inspirer, et des justes égards auxquels l'Empereur était en droit de s'attendre. Sa Majesté Impériale y a été sensible, et elle y a trouvé un motif de m'autoriser à répondre en détail aux communications de Lord Heytesbury, bien que nos déclarations antérieures auraient dû ne laisser aucun doute sur les sentiments et les intentions de l'Empereur à l'égard des affaires de Pologne. Votre Altesse a été plus d'une fois dans le cas d'assurer, de la manière la plus formelle, les Ministres de Sa Majesté Britannique que l'Empereur n'a jamais eu, ni ne saurait avoir, la pensée de s'écarter des stipulations du Traité de Vienne, mais qu'il est fermement décidé à ne point admettre d'intervention étrangère dans des questions qui sont exclusivement de son ressort. Ce que nous demandions en même tems, c'est une interprétation loyale et équitable des Articles du Traité qui déterminent le mode d'existence du Royaume de Pologne. Or, nous voyons à regret que celui de ces Articles qui stipule que le Royaume de Pologne sera lié à la Russie par sa Constitution a donné lieu, même dans le Cabinet Britannique, à des conclusions sur lesquelles nous ne saurions partager son opinion. Pour peu qu'on veuille examiner cette clause avec impartialité, on se convaincra qu'elle n'a été inséreé dans le Traité que pour exprimer que l'union du Royaume à la Russie doit être le principe fondamental et la condition de sa nouvelle existence. Cette clause n'impose donc à la Russie d'autre obligation que celle de maintenir l'union que le Traité avait formée. S'il avait été de l'intention des Parties Contractantes de stipuler en faveur du Royaume une charte spéciale, et de la lui garantir, nul doute qu'une telle stipulation n'eût été conçue d'une manière plus explicite et plus formelle. Loin de là, on s'est borné dans un paragraphe subséquent, à assurer aux Polonais sujets respectifs de Russie, d'Autriche, et de Prusse, des institutions

nationales, en réservant à chacun des trois Gouvernements la faculté de les régler selon qu'il le jugerait utile et convenable. La Constitution que dans sa magnanimité l'Empereur Alexandre de glorieuse mémoire accorda au Royaume, ne fut donc point une conséquence du Traité de Vienne, mais un acte spontané de son pouvoir souverain. Postérieure par sa date aux transactions du Recès, elle n'en fait point partie, et leur garantie ne s'étend point à elle. Si la Constitution de Pologne avait été donnée en exécution du Traité de Vienne, les Puissances Contractantes auraient eu le droit d'en prendre connaissance, et de s'assurer qu'elle répond aux engagements contractés par la Russie. Aucune d'elles n'a réclamé ce droit, ni ne pouvait le réclamer légalement. Toutes ont reconnu au contraire, soit explicitement, soit par leur silence, qu'en octroyant cette Constitution à ses nouveaux sujets, l'Empereur avait suivi l'impulsion de sa libre volonté.

En envisageant la question sous ce point de vue, l'on conviendra que puisque les Polonais ont eux-mêmes, par leur rébellion et leur décret de déchéance, annullé la Constitution du Royaume, rien n'oblige l'Empereur de la rétablir, et que Sa Majesté Impériale se trouve, au contraire, replacée dans la situation facultative où était son auguste prédécesseur lorsque, aux termes du Traité de Vienne, il avait encore à choisir le mode d'existence politique qu'il jugerait utile et convenable d'accorder à ses nouveaux sujets Polonais. Sous ce rapport, les engagements que la Russie a contractés sont les mêmes pour les trois Puissances, et il serait difficile de prouver que l'Empereur fut tenu envers le Royaume de Pologne à des concessions que n'ont pas obtenues la Galicie ni le Grand Duché de Posen.

Nous avons dit plus haut, mon Prince, que la Constitution Polonaise a été annullée par le fait de la rébellion. Aurions-nous besoin de le démontrer? Il est connu que de Gouvernement à Gouvernement les Traités et Conventions librement consentis de part et d'autre, sont anéantis par l'état de guerre, et ont besoin d'être renouvelés, ou de moins expressément confirmés à la paix. A plus fort raison il en est ainsi d'un acte qui n'est point bilatéral, d'un acte accordé par un Souverain à ses sujets, et dont la première condition est l'obéissance et la fidélité de ceux-ci. A plus forte raison, dis-je, un pareil acte se trouve annullé par l'état de guerre, lorsque la guerre est forcément amenée, à la suite de l'insurrection et de la trahison.

Ceci répond, mon Prince, aux citations que Lord Palmerston a cru devoir faire de divers Articles de la Constitution Polonaise, pour en déduire l'obligation où serait l'Empereur de la rétablir. Frappée de nullité dans son ensemble, elle l'est aussi dans chacune de ses stipulations, et nous ne saurions, par conséquent, accorder aucune valeur aux différentes clauses que l'on voudrait encore en invoquer.

En traitant cette question le Ministère Britannique a distingué, ainsi que nous l'avons observé plus haut, l'examen des Traités existants d'avec les considérations qui lui semblent fondées sur les convenances politiques. Nous croyons avoir montré que dans les arrangements qui concernent la Pologne, l'Empereur ne s'écarte pas des Traités, mais que ceux-ci ne renferment aucune stipulation qui puisse être invoquée pour le rétablissement de la Constitution Polonaise. Les arguments que nous avons développés ne sont pas nouveaux. L'Autriche et la Prusse les ont fait valoir avant nous, et le Ministère Britannique aura pu se convaincre, par la langage que ces deux Puissances ont prescrit à leurs Représentants à Londres et à Paris, qu'il existe relativement à l'interprétation et à l'application du Traité du $\frac{21 \text{ Avril}}{3 \text{ Mai}}$, 1815, une entière uniformité de vues et de principes entre les trois Cours qui en sont spécialement les Parties Contractantes.

Pour ce qui est des convenances politiques, rien de plus judicieux, sans doute, que les considérations dans lesquelles le Ministère Anglais a cru devoir entrer; rien de plus amical que les conseils qui en découlent. L'Empereur se plait à en offrir ses remerciments au Cabinet de Sa Majesté Britannique, mais il se flatte que ce Cabinet ne se refusera point à vouer de justes égards à la position du Gouvernement Impérial, et aux devoirs qu'elle lui impose. Les questions dont il s'agit touchent trop directement

aux intérêts de sa Couronne, et à ceux de son Empire, pour que Sa Majesté Impériale ne croie, avant tout, devoir consulter ces mêmes intérêts, dans les déterminations qui lui restent à prendre.

Ce n'est pas pour infliger aux Polonais un châtiment bien mérité, sans doute, que l'Empereur a résolu de ne plus faire revivre une Constitution qu'ils ont eux-mêmes foulée aux pieds, mais parceque l'expérience a prouvé que cette Constitution n'est pas le moyen le plus propre à assurer la tranquillité, et, par conséquent, le bonheur du pays ; que loin d'avoir pu prévenir les désastres dont la Pologne a été le théâtre, c'est elle qui a, pendant quinze ans, alimenté parmi les Polonais cet esprit inquiet et remuant que la première étincelle a fait éclater en révolte ouverte. Or, nous laissons les Ministres Anglais juger eux-mêmes, s'il serait prudent et d'une saine politique de laisser subsister des institutions qui ont si peu répondu aux vues bienfaisantes de leur auguste fondateur, et dont il a été fait un si criminel abus.

Pour ce qui regarde l'appel que le Cabinet Britannique fait aux sentiments de clémence et d'humanité de notre auguste Maître, Sa Majesté y a répondu d'avance par le manifeste d'amnistie du 20 Octobre. Tous nos alliés, mon Prince, ont applaudi à cet acte. La France seule avait cru devoir insister sur une amnistie générale, sans exception aucune. Mais elle paraît être revenue depuis à des dispositions plus équitables. Peut-être le Gouvernement Français reconnaîtra-t-il avec le temps, qu'il est dans son propre intérêt que la révolte ne reste pas impunie, et qu'il se consolide et se fortifie lui-même en raison de l'affaiblissement du parti Révolutionnaire en France comme dans d'autre pays.

Tels sont les arguments que nous opposerions, mon Prince, aux suggestions que renferment les communications du Ministère Anglais par rapport à une amnistie pleine et entière. Nous aimons à croire d'ailleurs, que ce Ministère n'y insistera pas plus que celui du Roi Louis Philippe, et qu'il jugera même avec plus d'impartialité les actes du Gouvernement Impérial.

Tous les efforts et tous les soins de l'Empereur tendent à amener la pacification morale du royaume, c'est-à-dire, à calmer les esprits, à faire cesser les irritations, suite nécessaire d'une lutte sanglante et désastreuse, et à amener graduellement une réconciliation sincère entre deux peuples réunis sous le même sceptre. Sa Majesté Impériale nourrit le juste espoir qu'à l'aide de la Divine Providence elle remplira cette tâche salutaire ; mais ce qui doit en retarder l'accomplissement, entretenir une certaine agitation parmi les Polonais, encourager les coupables espérances de ceux qui persistent dans leur opposition au Gouvernement légitime, c'est l'intervention étrangère dans les affaires de la Pologne, c'est l'inquiète surveillance que l'on exerce sur ce qui se passe dans ce pays, la fausse interprétation que l'on donne aux Traités, c'est le droit de patronage que l'on paraît vouloir s'attribuer sur ceux des Polonais qui sont exclus de l'amnistie, ou qui en repoussent les bienfaits. Ce déplorable système que la propagande a fait adopter en France, et qui depuis a été imité dans plus d'un pays, a déjà eu les plus funestes conséquences pour le Royaume de Pologne. Il est en grande partie la cause de l'opiniâtre résistance des Polonais, qui a prolongé la lutte au delà de tous les calculs. Il peut encore faire un mal infini, si les Gouvernements ne cherchent pas, au moins par leur exemple, à paralyser les effets d'une tendance qui se manifeste si généralement, s'ils ne consentent pas à s'en remettre de bonne foi pour le sort futur du Royaume de Pologne à la sagesse et aux sentiments de l'Empereur, à la connaissance qu'il doit avoir lui-même des vrais intérêts de son Gouvernement et de ses peuples, au respect qu'il a sans cesse professé pour les Traités existants, enfin, à la sollicitude que lui inspirent le bonheur de ses sujets, la réparation des maux qu'une époque de désastres leur a causés, et le besoin d'en prévenir à jamais le retour.

C'est surtout de la part du Gouvernement de Sa Majesté Britannique que notre auguste maître croit pouvoir s'attendre à ce témoignage de confiance et d'égards. La marche politique de son Cabinet, dont l'Angleterre a tant de fois été à même d'apprécier la franchise et la loyauté, en donne le droit à Sa Majesté Impériale. D'autre part, le Gouvernement Britannique ne se trouve pas dans la fâcheuse nécessité

d'obtempérer aux exigences d'un parti qui ne cherche qu'à troubler les relations amicales entre les Puissances, et à parvenir ainsi au but de ses efforts, c'est-à-dire, à un bouleversement général. Ce Gouvernement usera donc de sa force pour se maintenir sur la ligne de conduite que lui tracent ses principes de justice et la sagesse de ses conseils. Par une suite nécessaire, il respectera les droits de l'Empereur dans la plus juste des causes.

Nous venons de nous expliquer, mon Prince, avec une entière franchise sur l'objet des communications que Lord Heytesbury nous a faites par ordre de sa Cour. Nous le devions aux liens d'amitié qui unissent les deux Gouvernements, et que l'Empereur aimera toujours à cimenter. Nous le devions surtout au caractère amical qui a présidé à ces communications. Mais Sa Majesté Impériale croit pouvoir se flatter que nos explications seront de nature à satisfaire le Gouvernement Britannique, et que c'est pour la dernière fois qu'elle se trouve dans le cas de s'expliquer sur des questions dont elle seule est appelée à connaître. Sa Majesté le désire d'autant plus vivement qu'elle met un prix infini à rendre de plus en plus intimes ses relations avec le Gouvernement Britannique, et qu'il lui importe d'en écarter tout ce qui pourrait leur nuire.

Votre Altesse voudra bien exprimer ce vœu à Lord Palmerston, en lui communiquant le contenu de la présente dépêche.

Recevez, &c.

(Signé) NESSELRODE.

(Translation.)

Mon Prince, *St. Petersburgh*, December 22, 1831 / January 3, 1832.

IN my despatch of the $\frac{3}{15}$ December, I had the honour of explaining to your Highness the nature of the communication Lord Heytesbury had just made to us, in compliance with orders from his Government, on the subject of the affairs of Poland. Having since then submitted the matter to the Emperor, I am enabled, mon Prince, to state to you what are His Majesty's views on the subject of their communication.

It consists of two distinct parts : the first contains friendly advice tendered to the Emperor as to the best means of conciliating the Poles, of inspiring them with confidence, and, in short, of effacing all traces of the sanguinary struggle which has just been put an end to by the victory of the Russian arms ; whilst the second part contains some observations on the interpretation of those Articles of the Treaty of Vienna to which the Kingdom of Poland owes its existence.

In offering their observations and their advice the British Cabinet has acknowledged the delicate nature of the task which they had thought it their duty to undertake, and their language on this occasion is full of all the consideration which friendship can suggest, and of that due deference which the Emperor had a right to expect. His Imperial Majesty is fully sensible of this, and has thought it a sufficient ground to authorize me to answer in detail the communications of Lord Heytesbury, although our previous declarations ought to have left no doubt as to the sentiments and intentions of the Emperor with reference to the affairs of Poland. Your Highness has several times been in a position to assure the Ministers of His Britannic Majesty in the most formal manner that the Emperor has never entertained, and will never entertain, the thought of infringing the stipulations of the Treaty of Vienna, but that he is thoroughly determined to admit no foreign intervention in questions which concern him exclusively. What we asked for at the same time was a straightforward and just interpretation of the Articles of the Treaty which define the manner in which the Kingdom of Poland is constituted. Now we see with regret that the very Article which stipulates that the Kingdom of Poland is to be bound to Russia by its Constitution has given rise, even in the British Cabinet, to conclusions relative to which we cannot share their opinion. Whoever examines this clause with real impartiality, will be convinced that it has been inserted in the Treaty with no other view than to express that the union of the Kingdom to Russia must be the fundamental principle and the condition of its new existence.

This clause, therefore, does not impose on Russia any obligation other than that of maintaining the union which the Treaty has brought about. If it had been the intention of the Contracting Powers to stipulate in favour of the Kingdom a special Charter, and to guarantee it, there can be no doubt that such a stipulation would be expressed in a manner more explicit and formal. But far from this, they confined themselves in a subsequent paragraph to assuring to the Polish subjects respectively of Russia, Austria, and Prussia, national institutions, reserving to each of the three Governments the power of regulating them as they should deem fit and proper. The Constitution which the Emperor Alexander of glorious memory in his magnaminity granted to the kingdom was not a necessary consequence of the Treaty of Vienna, but a spontaneous act of his sovereign power. Subsequent as it is by its date to the transactions of the Recès, it does not form part of them, and their guarantee does not extend to it. If the Constitution of Poland had been given in conformity with the Treaty of Vienna, the Contracting Powers would have had the right to take cognizance of it, and to examine whether it answered to the engagements entered into by Russia. None of them have claimed this right, nor could they legally do so. All of them, on the contrary, recognized, either expressly or by their silence on the subject, that in granting this Constitution to his new subjects, the Emperor had followed the dictates of his free will.

If one looks at the question in this light, one must confess that since the Poles have themselves, by their rebellion and decree of forfeiture, annulled the Constitution of the kingdom, nothing can compel the Emperor to re-establish it; and that His Imperial Majesty finds himself, on the contrary, replaced in the same independent situation as his august predecessor, when, in accordance with the terms of the Treaty of Vienna, he had still the power of choosing the sort of political existence which he might think fit and proper to grant to his new Polish subjects. In this particular, the engagements which Russia had entered into are the same for the three Powers, and it would be difficult to prove that the Emperor was bound to make concessions to the Kingdom of Poland which neither Galicia nor the Grand Duchy of Posen have obtained.

We have stated above, mon Prince, that the Polish Constitution was annulled by the very fact of the rebellion. Will it be necessary for us to prove it? It is a recognized fact that between Government and Government, the Treaties and Conventions freely consented to by both Parties are put an end to by a state of war, and must be renewed, or at least expressly confirmed, on the conclusion of peace. All the more is it so with an act which is not two-sided, but a gift granted by a Sovereign to his subjects, and the first condition of which is, the obedience and faithfulness of the latter. All the more so, I say, is such an act annulled by a state of war, when the war is the necessary consequence of insurrection and treason.

This answers, mon Prince, to the quotations that Lord Palmerston has thought proper to make from various Articles of the Polish Constitution, in order thence to deduce the obligation under which the Emperor is to re-establish it. Destroyed as it is in its entirety, it is so also in every one of its stipulations, and we cannot therefore attach the slightest value to the different clauses that it is still proposed to enforce.

In treating this question, the British Cabinet has separated, as we have observed above, the consideration of existing Treaties from those which seem to it to be founded on political expediency. We think we have shown that in the arrangements concerning Poland, the Emperor does not infringe Treaties, but that those Treaties do not contain any stipulation which can be invoked for the re-establishment of the Polish Constitution. The arguments we have used are not new. Austria and Prussia maintained them before we did; and the British Ministry may conclude from the language which those two Powers instructed their Representatives at Paris and London to use, that there exists an entire conformity of opinions and principles relative to the interpretation and application of the Treaty of $\frac{\text{April 21}}{\text{May 3}}$, 1815, between the three Courts who may be said to be more especially concerned in it.

With regard to political expediency, nothing can, doubtless, be more

Judicious than the considerations which the English Ministers have thought proper to suggest; nothing can be more friendly than the advice which emanates from them. The Emperor has much pleasure in thanking the British Cabinet, but he flatters himself that that Cabinet will not refuse to take into consideration the position of the Imperial Government, and the duties which it entails. The questions in point affect so closely the interests of the Crown, and those of the Empire, that the Emperor cannot but take into consideration those very interests in the resolutions which he has still to come to.

It is not with a view to inflicting on the Poles a punishment doubtless well-deserved, that the Emperor has resolved not to renew a Constitution which they themselves trampled on, but because experience has proved that that Constitution was not the best means of insuring the peace, and, consequently, the welfare of the country; that, far from having been able to prevent the disasters which have taken place in Poland, it is that very Constitution which has, during fifteen years, kept alive among the Poles that discontented and turbulent spirit which the first spark kindled into open rebellion. Now we leave the English Ministers to judge themselves whether it would be wise or politic to let institutions subsist which have so little answered the benevolent intentions of their august founder, and of which a criminal use was made.

With regard to the appeal made by the British Cabinet to the feelings of mercy and humanity of our august Master, his Excellency had already replied to them by the amnesty of the 20th October; all our allies, mon Prince, applauded this act. France alone deemed it right to insist on a general amnesty, without a single exception. But she seems since then to have arrived at a juster view of the subject. Perhaps the French Government will recognize in time that its own interest demands that revolution should not go unpunished, and that the Government itself gains strength and security in proportion as the Revolutionary Party in France and elsewhere is weakened.

Such are the arguments which we should oppose, mon Prince, to the suggestions contained in the communications of the British Ministry with reference to a complete and entire amnesty. But we are happy to think that that Government will not persist any more than that of King Louis-Philippe did, and that they will even judge with greater impartiality the acts of the Imperial Government.

All the efforts and all the care of the Emperor tend towards the establishment of moral peace throughout the kingdom, that is, to soothe and put an end to that irritation which is the necessary consequence of a sanguinary and calamitous struggle, and to bring about gradually a sincere reconciliation between two nations united under the same sceptre. His Imperial Majesty entertains the just hope that, with the assistance of Providence, he will fulfil this salutary task; but what must delay its accomplishment, keep up a certain agitation among the Poles, and encourage the guilty hopes of those who persist in opposing legitimate Government, is foreign intervention in the affairs of Poland, and the anxious surveillance exercised over all that passes in that country, the false interpretation one gives to Treaties, and the right of patronage that appears to be assumed towards those among the Poles who are excluded from the amnesty, or who reject benefits. This deplorable system, which the Propaganda has made France adopt, and which has been imitated in other countries, has already produced the most disastrous results in the Kingdom of Poland. This is in a great measure the cause of the dogged resistance of the Poles, which prolonged the struggle beyond all expectation. It can still do infinite mischief, if Governments do not seek, at least by their example, to paralyze the effects of a tendency which shows itself so generally, if they do not consent in good faith to trust the future fate of the Kingdom of Poland to the wisdom and good feeling of the Emperor, to the knowledge which he must possess of the real interests of his Government and of his subjects, to the respect which he has always professed for existing Treaties, and, lastly, to his anxiety for the welfare of his people, for their recovery from the sufferings which a period of calamity had entailed, and the necessity of for ever preventing its recurrence.

It is particularly from the British Government that our august Master thinks he has a right to expect this proof of confidence and consideration. The political course of his Cabinet, the straightforwardness and honesty of which the British Cabinet has so often been in a position to appreciate, invests His Imperial Majesty with this right. On the other hand, the British Government is not under the disagreeable necessity of submitting to the requirements of a party which only seeks to disturb the friendly relations of the Powers with a view of their attaining the object of its efforts, that is, general confusion. This Government will, therefore, avail themselves of their power to pursue the line of conduct prescribed by their principles of justice and the wisdom of their councils. By a necessary consequence they will respect the rights of the Emperor in the justest of causes.

We have just, mon Prince, with perfect straightforwardness, expressed our opinion on the subject of the communication which Lord Heytesbury made to us by order of his Court. This was due to the bond of friendship that unites the two Governments, and which the Emperor will always be anxious to maintain. It was due especially to the friendly spirit which pervaded that communication. But His Imperial Majesty flatters himself that our explanations will be satisfactory to the British Government, and that it is the last time he will be called upon to give explanations on a subject which concerns himself exclusively. His Majesty is all the more anxious for this, as he highly values the importance of rendering his relations with the British Government more and more intimate, and that he is anxious to remove from them everything that could impair them.

Your Highness will be so good as to explain this wish to Lord Palmerston, when you communicate the contents of this despatch to him.

Receive, &c.

(Signed) NESSELRODE.

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No. 9.

*Lord Heytesbury to Viscount Palmerston.—(Received Jauuary* 24.)

(Extract.) *St. Petersburgh, January* 4, 1832.

IN looking over the despatches which I had the honour of forwarding to your Lordship by the Russian courier who left St. Petersburgh yesterday, it appears to me that I have not sufficiently explained how far this Government intends to carry the suppression of the privileges enjoyed by the Poles previously to the late Revolution. It may be right, therefore, to state that, according to the information I have received, there exists no intention of making any other change in the political condition of Poland besides that of substituting Provincial Assemblies for the former General Diet, and that of disbanding its army. The Provincial Assemblies will be modelled upon those established in the Grand Duchy of Posen, which are understood to be rather of a more liberal form than those of Gallicia. They will, however, be very far from presenting any sort of analogy with the Diet it is proposed to abolish.

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No. 10.

*Viscount Palmerston to Lord Heytesbury.*

My Lord, *Foreign Office, March* 12, 1832.

VARIOUS circumstances have prevented me from sooner transmitting to your Excellency the inclosed copy of a despatch from Count Nesselrode upon the affairs of Poland, which was communicated to me by Prince Lieven on the 18th of January last,* and which contains the answer of the Russian Cabinet to the despatch which I addressed to your Excellency on the same subject on the 23rd November, 1831.

* No. 9.

The friendly tone of Count Nesselrode's despatch, and the expressions which it contains of confidence in the principles and intentions of the British Cabinet, are most satisfactory, as proving that the reciprocal sentiments of the two Governments are the same, and that the Russian Minister has justly appreciated the spirit of friendship and goodwill which dictated the observations contained in my despatch to your Excellency of the 23rd November.

His Majesty's Government, indeed, in instructing you to make that communication, could not forget that it was addressed to an independent and friendly Government. In stating, therefore, plainly and without reserve, their deliberate and fixed opinions upon the true interpretation of a Treaty to which Great Britain is a Contracting Party, they were anxious to discharge that duty in a manner which should leave no doubt of their being actuated by all the deference and respect to which every independent State is entitled, but which are so peculiarly and eminently due to the personal character of His Majesty the Emperor of Russia.

His Majesty's Government is fully sensible of the delicacy of the questions at issue, involving, as they do, the relations between a Sovereign and his subjects; matters upon which, under ordinary circumstances, and when those relations are not interwoven with the stipulations of Treaties, the most well-meant and friendliest interposition must at best be of doubtful expediency.

Having therefore distinctly expressed its sentiments, His Majesty's Government might have deemed it unnecessary to make any reply to the despatch of Count Nesselrode, were it not that, from a passage towards the conclusion of that despatch, there seems reason to apprehend that the silence of His Majesty's Government might be liable to misinterpretation, and might be construed as implying that the explanations given in that despatch were entirely satisfactory to His Majesty's Government.

However deep, therefore, may be the anxiety felt by His Majesty's Government to render more and more intimate the relations of confidential friendship which unite the two Governments, and to avoid, as far as possible, every subject of discussion by which those relations might be affected, yet His Majesty's Government cannot, in justice to themselves, allow any doubt or uncertainty to exist as to their opinions upon a matter of so much interest and importance.

It is essential, then, that your Excellency should state that His Majesty's Government, after giving the most attentive consideration to the arguments used in Count Nesselrode's despatch, are still of opinion that the reasoning contained in my despatch of the 23rd November, 1831, with respect to the engagements and sanctions by which the Polish Constitution was secured, has not been satisfactorily answered.

It is not necessary for the present purpose that I should enter into any detailed reply to Count Nesselrode's statement, but there are one or two passages which bear upon important points, and upon which a few remarks appear to be required.

In my despatch of the 23rd November, 1831, I endeavoured to show that, by the words of Article I of the Treaty of Vienna, a marked distinction was made between the system of government to be established in the Kingdom of Poland, and that of the Polish Provinces incorporated with Austria, Prussia, and Russia; and I argued that a change which would have the effect of reducing the separate Kingdom of Poland to the same administrative condition with the incorporated Provinces, could not be consistent, either with the spirit or the letter of the Treaty. His Majesty's Government cannot admit the validity of the answer given by Count Nesselrode to this argument. He contends that the stipulation which provides that Poland should be united by its Constitution had no meaning, except to express that union with Russia should be the fundamental principle of the existence of Poland. But if this had really been the only object of that clause, why were the words "by its Constitution" inserted, seeing that, in that case, it would have been sufficient, and more plain, to have declared simply that Poland should be inseparably united with Russia.

Count Nesselrode, however, states that no specific Constitution having

been stipulated for the Kingdom of Poland, the Emperor retained the right of granting to it such charter as he might please; and this the Count asserts to be corroborated by the subsequent paragraph, which declares that the incorporated provinces shall receive such national institutions as their respective Sovereigns shall think fit to give them. He then goes on to assert that the Polish rebellion has annulled the Constitution, and has restored to the Emperor the discretionary power which his august predecessor possessed, when, according to the terms of the Treaty of Vienna, he still had to choose the mode of political existence which he might judge fit to grant to his new Polish subjects. On this assumption, Count Nesselrode proceeds to say that the engagements of Russia are the same as those of Austria and Prussia; and that it would be difficult to show any obligation on the part of the Emperor to make to the Kingdom of Poland, concessions which have not been obtained by Gallicia and the Duchy of Posen.

A slight attention to the words of Article I of the Treaty will show the want of logical connection in this series of deductions. In the beginning of the passage which has been referred to, words which apply solely to the incorporated provinces, are quoted simply as illustrating the meaning of other and preceding words, which apply solely to the Kingdom of Poland. Further on, the first-mentioned words are insensibly separated from the object to which they are applied in the Treaty, and are transferred to an object to which they do not belong. The terms which in the Trenty relate to the old Polish subjects of Russia are incorrectly represented as applying to her new Polish subjects; and this erroneous basis being thus established, there is immediately founded upon it the mistaken conclusion that the engagements of Russia, with respect to the Kingdom, are the same with those of Austria towards Gallicia, and of Prussia towards Posen. This position, if granted, would lead to the inference that, consistently with the Treaty, the Kingdom might be incorporated, as a Province, with the Russian Empire; an assertion evidently inconsistent with the admitted object of the Treaty, and for which the Russian Government do not even contend.

With regard to the argument that because war between two separate States dissolves Treaties, therefore a civil contest between a Sovereign and his subjects annuls the Constitution of the country in which that contest may take place, His Majesty's Government must still contend that the view of this matter which was taken in your instructions of November last was more correct, and more conformable with reason and justice, especially in a case in which abstract rights are mixed up with Conventional agreements.

Count Nesselrode, indeed, states that the view which the Russian Government takes of the Treaty of Vienna is shared also by the Governments of Prussia and Austria, and that there is, on this subject, an entire uniformity of views and principles between the three Courts which are specially the Contracting Parties to the Treaty of the $\frac{21st\ April}{3rd\ May}$, 1815.

Upon this it is to be observed, that the Treaty here quoted is not the Treaty upon which the arguments of His Majesty's Government are founded. The Treaty, or rather the Treaties, for there were two of the $\frac{21st\ April}{3rd\ May}$, 1815, were between Russia and Austria, and Russia and Prussia. To those Treaties Great Britain was not directly a Contracting Party. The Treaty to which His Majesty's Government have appealed, is the Treaty of the 9th June, 1815, and to that Treaty His Majesty's Government cannot admit that Austria, Prussia, and Russia were Contracting Parties in a greater or more special degree than the other Powers who signed it.

It is hoped that upon reflection the Russian Government cannot fail to see all the inconvenient and dangerous consequences which would flow from thus establishing different degrees of obligation among the Powers who have equally signed a general Treaty. It is certainly true, that the three Powers in question are specially interested in the execution of Article I of the Treaty of the 9th of June, 1815; but that very circumstance would, perhaps, rather lead them to examine with more peculiar attention the bearing and interpretation of that Article, and candidly to

weigh the construction which may be put upon it by those of their allies whose interests it does not so directly and immediately affect.

Having explained, in the outset of this despatch, the reasons which have led His Majesty's Government to think it to be necessary, I have only further to instruct your Excellency, in communicating its contents to Count Nesselrode, to convey to his Excellency renewed assurances of the earnest desire of His Majesty to maintain the closest relations of friendship and alliance with His Majesty the Emperor of Russia.

I am, &c.

(Signed) PALMERSTON.

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No. 11.

*Viscount Palmerston to Lord Durham.*

(Extract.) *Foreign Office, July* 3, 1832.

IT is impossible to give your Lordship instructions for your guidance without adverting to the subject of Poland.

You will find in the archives of the Embassy a record of the opinions of His Majesty's Government upon the proceedings of Russia with respect to Poland, and of the manner in which those opinions have at different times been communicated to the Russian Government. Those opinions remain unaltered. His Majesty's Government think that Russia was not justified by the Polish insurrection in depriving the Kingdom of Poland of that Constitution which the Emperor Alexander had granted, and which the Emperor Nicholas had sworn to maintain. His Majesty's Government think that the abrogation of that Constitution was inconsistent with the true spirit and meaning of the Treaty of Vienna, and that Great Britain, as a party to that Treaty, is entitled to object to that abrogation, and to protest, as she has done, against it.

If the view which Her Majesty's Government takes of that question had been shared by Austria and Prussia, as it was by France, the representations of the Four Powers would probably have been attended with success; but Austria and Prussia having concurred with Russia in her interpretation of the Treaty of Vienna, and having approved of the changes which the Russian Government proposed to make in the Polish Constitution, it was evident that the remonstrances of Great Britain and France could not be effectual unless they had been supported by a threat of war—a threat to the execution of which so many obstacles were opposed both by the general state of Europe and by the negotiations in which, in concert with Russia, Great Britain has been, and still is, engaged.

In adverting therefore to the affairs of Poland, great delicacy and caution will be required. It would be inconsistent with the power and dignity of the British Empire to insist too strongly upon points which, from the considerations stated above, it might be inexpedient, if not impossible, to enforce by arms. On the other hand, His Majesty's Government cannot be expected to see measures taken which they believe to be at variance with the true spirit of the Treaty of Vienna, and which have excited so strong a feeling in Europe, without a clear though amicable expression of their opinion upon them.

Your Lordship is therefore instructed to treat the abrogation of the Constitution of Poland as a measure which His Majesty's Government deeply regret, as inconsistent with the true construction of the Treaty of Vienna, and as injurious to the interests of Russia herself. You will refer at the same time to the representations already made upon this subject by Her Majesty's Ambassador at the Court of St. Petersburgh, but you will not press this matter in such a manner as, without producing any benefit to Poland, would incur the hazard of increasing the difficulties already existing on the various subjects to which your attention has been called in this despatch.

The Treaties of 1815, to which Russia was a party (not only the General Act of the Congress of Vienna, but the Separate Treaty between Russia and Prussia), clearly stipulate that the nationality of the Poles

shall be preserved. But statements have reached His Majesty's Government which, if true, tend to show a deliberate intention on the part of the Russian Government to break down the nationality of Poland, and to deprive it of everything which, either in outward form or in real substance, gives to its people the character of a separate nation.

The abolition of the Polish colours; the introduction of the Russian language into public acts; the removal to Russia of the national library, and public collections containing bequests made by individuals upon specific condition that they never should be taken out of the Kingdom of Poland; the suppression of schools and other establishments for public instruction; the removal of a great number of children to Russia on the pretence of educating them at the public expense; the transportation of whole families to the Interior of Russia; the extent and severity of the military conscription; the large introduction of Russians into the public employments in Poland; the interference with the National Church;—all these appear to be symptoms of a deliberate intention to obliterate the political nationality of Poland, and gradually to convert it into a Russian province.

It is evident, upon the slightest reflection, that such a project could not be accomplished. To change 4,000,000 of Poles so entirely as to impart to them the character of Russians is an attempt for the success of which it would be difficult to assign a limit, either of time or perseverance. But the endeavour would lead to a severe and continued exertion of arbitrary power, which would create a strong and general feeling against Russia, and must be regarded as a decided violation of the engagements contracted by Russia at Vienna in 1815.

Your Lordship will endeavour to obtain accurate information as to what is true on these points, and if you should find that the reports which have reached His Majesty's Government are well founded, you will take every favourable opportunity of urging the Russian Government, on the part of His Majesty, with the earnestness, and at the same time with the freedom of a sincere friend, to adopt a milder and juster system; founding yourself upon the Treaty of Vienna, as the basis upon which rests the right of His Majesty to interpose this expression of his feelings on the affairs of Poland.

It is unnecessary to remind your Lordship that it is of great importance, not only for the accomplishment of the various objects pointed out in these instructions, but also for the permanent interests of Great Britain, to cultivate and to increase, if possible, the friendly relations now so happily subsisting between this country and Russia. Your Lordship, therefore, will use your discretion as to the manner of pressing the various topics to which I have adverted, so as to produce the greatest possible effect, giving at the same time the least possible offence; and your Lordship will omit no proper opportunity of assuring the Emperor of the sincere and cordial friendship which His Majesty entertains for His Imperial Majesty, and of declaring His Majesty's desire to maintain, and, if possible, to draw closer the bonds of alliance which connect two Powers whose union must have so salutary an effect in preserving the peace of the world.

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## No. 12.

*Lord Durham to Viscount Palmerston.—(Received September 3.)*

(Extract.) *St. Petersburgh, August 22, 1832.*

THE only subject contained in my instructions respecting which I have not as yet communicated with your Lordship is that of Poland.

Considering it one of great difficulty and delicacy, I thought it most advisable not to take any steps upon it hastily, or, indeed, to allude to it at all with Count Nesselrode, until I had some opportunities of convincing both him and the Emperor of the friendly feeling towards Russia which had dictated the appointment of this Embassy by His Majesty, and until I had been enabled to acquire, as I trust I have, his goodwill and confidence.

In the meantime I examined the archives of the Embassy here, for the purpose of ascertaining exactly the nature and extent of the representations which had been previously made to this Government on the subject.

The result of this examination I forward to your Lordship in the inclosed Abstract, by which it appears that not only have we constantly and firmly remonstrated against the measures which have been adopted in Poland by this country as contrary to the Treaty of Vienna, to which we were Parties, but that, during the course of the war which preceded the adoption of those measures, we never ceased to make such representations to the Cabinet here as would, if they had been listened to, have prevented any infraction whatever of the letter or spirit of that Treaty.

It appears, also, that when, contrary to our remonstrances, the Polish Constitution was abrogated, we entered our formal protest against the measure, as being, in our opinion, contrary to the provisions of the Treaty of Vienna.

The correctness of this interpretation was denied by this country, by Austria and Prussia, and affirmed by France; and with this protest and affirmation on the one side, and justification and denial on the other, the discussion closed on the 6th of April of this year.

It seemed to me that, unless we were prepared to enforce our view of the case by an appeal to arms, it was useless formally to reopen a subject on which no new facts had been elicited which could tend to alter the determination previously taken by Russia, and formally announced to us.

I knew that neither my Sovereign nor his Ministers were ever prepared to enter into a war in order to enforce our interpretation of the Treaty; that, if they had been, the time for that military interference was long passed; and I felt certain, moreover, that at no time would the Parliament of England have sanctioned such a war, whatever might have been the feelings excited and the sympathy expressed from the knowledge of the events which have so unfortunately taken place in that wretched country.

For these reasons I determined not to deliver in any formal note to Count Nesselrode, knowing that if I did I should only receive a repetition of the formal denial of the justice of our reasoning, and fearing that the publicity of our interference would oblige the Emperor either to take steps of additional severity in order to prove to his Russian subjects that he was not controlled in what they consider the administration of their internal affairs by a foreign Power, or that he would be forced, for the same reasons, to postpone those measures of conciliation which might be in His Imperial Majesty's contemplation.

That there is a public opinion in this country is not to be denied—existing doubtless in a class, and expressed in a mode and through channels differing in every respect from those which are known and recognized in our country, but yet one to which, when pronounced by the nobles and the military, the Emperor, all powerful as he is, is obliged to yield.

There has long been a jealousy, nay hatred, existing between the Russians and Poles. The late war was one on which the very existence of the Russian Empire was considered to depend, more especially after the declaration of the Poles that the Emperor had forfeited his right to the Throne. Any acts of grace and favour, therefore, towards the Poles by the Emperor have been and still continue to be viewed by the Russians with great jealousy and disapprobation.

In these circumstances I deemed it most advisable to pursue the following line of conduct. I told Count Nesselrode that, by my instructions, I was charged to mention the affairs of Poland to him; that I was fully sensible of the delicacy of the question; that after a minute examination of all that had passed on this subject between him and Lord Heytesbury, I found that every point contained in my instructions had already been pressed upon him, and conveyed to the Emperor; that I did not therefore feel myself called upon to put in any formal repetition in writing of the same arguments, and protest against the proceedings in Poland, but that I begged him to understand that we adhered to the fullest extent to our original opinion. I also told him that the accounts which had reached England of the severities which had been practised towards the Poles had produced the most unfavourable impression on the public

mind, of which acts no contradiction had ever appeared; that when I mentioned this to Prince Lieven, he denied the truth of the statements in the strongest terms, but said it was beneath the dignity of the Emperor to notice such calumnies.

I said that I deeply lamented the adoption of this course; that the motives of this silence were not known or appreciated; that, in the meantime, all the accusations were believed to be true, and a feeling created against which no Minister in England could successfully contend, unable as he was either to justify or contradict the allegations advanced; and that, therefore, it was most essential that I should be enabled to obtain some information which would at once relieve the Russian Government from the imputations cast on them, and justify the English Cabinet in the avowal of those feelings of amity and cordiality towards Russia which we were so anxious to acknowledge.

Count Nesselrode said that he felt sensible of the friendliness and delicacy of the motives which induced me to take this mode of mentioning the subject to him; that it was surely not necessary to reopen an already settled question; that we had declared our interpretation of the Treaty of Vienna, from which three of the Great Powers had dissented; that, our protest having been recorded, he did not suppose that we required more than an acknowledgment of that record, and that Russia never could assent to the correctness of the view we had taken of the Treaty, in which opinion she had been joined by Austria and Prussia.

He then used the same expressions, nearly, as Prince Lieven, with reference to the charges brought against them in the public papers, denied their truth, and told me that, before my departure, I should be put in possession of such details as would convince me how much the Russian Government had been calumniated.

I assured him that I should receive these details with great pleasure, and should be most happy to be made the means of affording a contradiction to allegations so injurious to the interests of both Governments; and I finished the conversation by saying, that any acts of leniency and grace which the Emperor might be able to show towards the Poles could not but produce a most favourable effect in England.

I have now detailed to your Lordship all that has passed between Count Nesselrode and myself on the subject of Poland. If you think that an official note ought to be sent in, you will be pleased to say so; I have given my reasons for not having hitherto done it. I consider that the honour and consistency of England has been sufficiently vindicated by previous declarations, and I fear that its presentation now may have the effect of preventing, or arresting, those measures of grace towards the unfortunate Poles the adoption of which it must be our anxious desire to promote.

# POLAND.

CORRESPONDENCE with the Government of Russia respecting the Affairs of Poland: 1831–32.

*Presented to the House of Lords by Command of Her Majesty, in pursuance of their Address dated July* 19, 1861.

LONDON:
PRINTED BY HARRISON AND SONS.

# CORRESPONDENCE

RELATING TO THE

# ATTACK ON PORTO NOVO

BY

# HER MAJESTY'S NAVAL FORCES

ON THE

# WEST COAST OF AFRICA.

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*Presented to the House of Lords by Command of Her Majesty.*
1861.

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LONDON:
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## No. 1.

*Consul Foote to Lord J. Russell.—(Received April 10.)*

(Extract.) *Lagos, March 8, 1861.*

I HAVE the honour to report to your Lordship the particulars of an expedition which I have been compelled to make against the King and Chiefs of Porto Novo.

In consequence of repeated complaints which had been brought to this Consulate from time to time during the time of my predecessors, and a late seizure of some palm oil belonging to a British subject, by the King of Porto Novo, I therefore on the 5th February sent a special messenger to the King of Porto Novo with a despatch, of which Inclosure No. 1 is a copy.

I also on the 6th sent a despatch, of which Inclosure 2 is a copy, to the Senior Naval Officer of the Bights, advising him of my intentions, and requesting him to inform me what force he could detail to assist me should the answer of the King of Porto Novo not be satisfactory. In answer, he sent me a despatch, of which Inclosure No. 4 is a copy.

The answer from the King of Porto Novo, of which Inclosure No. 3 is a copy, not being satisfactory, I notified to the Senior Naval Officer my intentions to proceed at once to Porto Novo, and requested him to send as many white men as he could spare.

On the 21st of February a detachment of seventeen seamen and Marines and the Gunner were sent on board the "Brune" by Commander Wratislaw, and on the 23rd, at 11·30 A.M., we steamed up Badagry Creek. At 4 P.M. we anchored a little above Beechy to take in wood, and stayed there all night. At 6 A.M. next day we weighed, and arrived at Badagry at 11·50 A.M. We only remained a few minutes at that place, and steamed on to Porto Novo, where we arrived at 5 P.M. We were thus only fourteen hours and fifty minutes actual steaming on the way, and so secretly were my plans arranged and carried out, that the King of Porto Novo had not had time to prepare any large force to resist us.

Shortly after we anchored, a messenger from the King came on board to welcome me. I immediately put a despatch for the King, of which Inclosure No. 5 is a copy, into the messenger's hands, and sent him on shore.

Shortly afterwards the King's messenger returned, informing me that the King could neither come off to the ship to-morrow, nor comply with my demands, but was most willing to receive me on shore to hold a palaver.

I then finally informed the messenger that I would not waver in my demands, and should they not be complied with, that I would request the Commander to fire upon the town at 11 A.M. precisely.

During the night we dropped down the creek some three miles, and anchored. Knowing the treachery of these people I requested the Commander to do so, and, as it happened, it was a most fortunate thing, as next day, upon steaming up to our former anchorage, we observed that some guns had been placed in position during the night, and trained direct for the "Brune." I was afterwards informed that numbers of war canoes had been brought up by small creeks opposite the steamer, with the intention of boarding us during the night.

At 11 A.M. on the 25th, a coloured man, a half missionary and half trader, came on board, and pointed to some white flags, saying that the King would come on board if we waited a little. We did so until 1·20 P.M., when, happening to observe a suspicious movement on shore, and people evidently throwing up earthworks, I ordered a shot to be fired over the town at extreme elevation.

Almost simultaneously with the discharge of our gun, a hot fire commenced upon us from the low grassy bank running parallel with the ship.

The marines and seamen of the "Ranger" now commenced with their Enfield rifles, and soon stretched several of the natives on the beach, and in a short time I am convinced we should have silenced the fire along the whole line, when, unfortunately, a number of Lagos trading-canoes came alongside, chased by some war-canoes. The Lagos men scrambled on board for protection; the marines mistaking them for the enemy fired upon them, and cast several into the river again. The kroomen of the "Brune" now became confused and useless, but fortunately the steadiness and great coolness of the officers of the "Brune," and of the seamen and marines, rendered it an easy task to put matters to-rights. We pointed out the war-canoes to the marines and seamen, when in an instant they were seen floating away, tenantless, astern.

The decks being also clear of the Lagos men, the marines and seamen commenced firing again on the soldiers ashore, until some 500 rounds of rifle cartridges were expended, when it was suggested that we might use the rockets to advantage. The wind was blowing favourably, and we could have destroyed the whole of the city in a very short time, the thatch of the houses being entirely of palm-leaf; but upon due consideration, and remembering that at least one-half of the population were friendly, and that our object was to obtain important concessions from the King, in addition to other demands, I objected to using the rockets. By firing the city we should have destroyed the property of those favourable to us as well as that of our enemies; I therefore, and particularly as we had killed several of the Porto Novo troops without suffering a single casualty ourselves, requested the Commander to cease firing, and proceed to Badagry, convoy the Lagos canoes to some place of safety, and await at Badagry the result of our bombardment.

I felt convinced that the King of Porto Novo, having seen what injury we could do him, would lose no time in asking for peace.

My surmises were borne out next day, for a message had been sent during the night from the King of Porto Novo to the Chiefs of Badagry, urging them to visit me on board the "Brune," and beg me to make peace, and offering to comply with my terms.

I answered that I would await a messenger from the King at Lagos, and that I would give the King of Porto Novo three weeks to comply with my demands.

In the meantime the old and well-known slave-dealers of Badagry and Porto Novo, Jambo, Faustino Herpin, Ignacio de Souza Magalhaes and others, all Brazilians and Portuguese, finding that their nest had been destroyed, and that the King had made overtures which would be the means of putting an end to their trading in slaves, endeavoured to induce the English merchants at Badagry to sign a document in condemnation of my proceedings; but the English merchants had the good sense to withdraw from them, and although apprehensive that their trade would be stopped for a short time, they assured me that I had a very good excuse for routing out the slave-dealers, and that, in the end, it would be most beneficial for our trade.

The slave-dealers then protested against my proceedings, on the ground that English goods, entrusted to them by English merchants, were placed in danger.

In my message sent to the King of Porto Novo through the Badagry Chiefs, I said that I should consider the King's immediately allowing the traders to continue their business as the first sign of the King's desire to comply with my demands.

Upon receipt of this message, the King of Porto Novo instantly allowed the trade to go on, and I have heard that the property of the slave-dealers has been properly taken care of—that nothing has been injured; so the protests are unnecessary, and are merely a little bit of vengeance upon the part of the slave-dealers.

I have been informed by several different Lagos men, who escaped from Porto Novo, that they observed small gangs of chained slaves in the houses of the slave-dealers, and that during the action these managed to escape. This is the only property lost to the slave-dealers during the bombardment, a fact which can be certified by the King and Chiefs of Porto Novo themselves.

Upon the requisition of the merchants, we remained at Badagry during the whole of the 26th, and till 2·20 P.M. of the 27th, when, having received information from Porto Novo that trade was open again, and the river safe, I assured the merchants that they had nothing to fear, and we proceeded on to Lagos.

At Badagry we communicated with Her Majesty's ship "Ranger," the Commander having agreed with me to go off that place and await my return from Porto Novo.

Captain Wratislaw also visited Badagry, and communicated with the merchants.

We arrived at Lagos at 1·50 P.M. on the 28th.

On the 4th instant the Chiefs of Badagry arrived at this Consulate, accompanied by Mr. Thomas Tickel, Her Majesty's Acting Vice-Consul at Badagry and Porto Novo. They were the bearers of the following message from the King of Porto Novo, viz.:—

1. That the King wishes peace, and will comply with the demands of Her Majesty's Consul.

2. That the King of Porto Novo will banish from his town any slave-dealer or any Portuguese whom the Consul may point out.

3. That the King wishes to be upon most friendly terms with the English, and will prove it in any way the Consul points out.

4. That the King is very much pleased to hear that the Consul has appointed Mr. Thomas Tickel as Vice-Consul, as the King knows him, and they can speak mouth to mouth, as Mr. Tickel speaks his language.

Immediately after the Chiefs had finished their palaver, I drew out some Additional Articles to our Treaty of January 17, 1852 (of which Inclosure No. 6 is a copy), which will, I trust, meet with your Lordship's approval; and I also made out similar Articles for the Badagry Chiefs. The latter have proved to me beyond a doubt that the so-called Treaty with Badagry of March 18, 1852, was not signed by any legitimate Chief. The two names attached to the said Treaty are Mewu, a rebel and an outcast, and Alapa, the King of a small district situated back from Badagry. I have therefore sent a copy of the Treaty, together with the Additional Articles, to be signed by the right Chiefs.

One of the considerations which induced me to act with such promptness, was the fact that the King of Dahomey had prepared to march upon Abbeokuta. Porto Novo and Whydah being his two principal slave-depôts (the King of Porto Novo being, in a measure, subject to his influence), I immediately thought I could produce a diversion in favour of Abbeokuta by attacking a populous and important city so near his capital; and a few days ago Ogobono, an Abbeokutan General, sent a private messenger to me, informing me that the news of my attack on Porto Novo had reached him, and that it had a most reassuring effect, as they knew it would disturb the calculations of the King of Dahomey.

There is now nothing left for me, my Lord, but to express how much I have been assisted by the officer and men sent so promptly by Captain Wratislaw, as well as his forethought in anchoring at Badagry in order to assist us in the event of a reverse.

I have also particularly to mention the coolness of Lieutenant Stokes, the Commander of the "Brune." He had a double duty to perform; he conned the vessel and gave his orders from the bridge at one and the same time.

I must also particularly mention the coolness and determination of Mr. Love, the Master's Assistant. He worked our solitary broadside gun, and I could not help remarking his exertions to encourage the Kroomen when they became confused.

At the same time, when the wounded Lagos men were placed on board, I observed the Assistant Surgeon, Dr. Hughes, performing his operations as calmly as if his patients were laid out in his dispensary.

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Inclosure 1 in No. 1.

*Consul Foote to the King of Porto Novo.*

*Lagos, February 5*, 1861.

THE British Consul presents his compliments to the King of Porto Novo.

The British Consul has been told that certain evil-disposed persons calling themselves Portuguese have endeavoured to influence the King and Chiefs of Porto Novo in their treatment of English and other foreign traders, and attempting to direct the King and Chiefs in matters of trade which would be injurious to the interests of the English and other foreigners.

Now, the Undersigned makes known to the King and Chiefs that he will not permit any favour to be shown to any foreign trader which is not equally enjoyed by the English trader; and if the King or Chiefs listen to these evil advisers, the Consul will so soon as he hears of it not only hold the King and Chiefs responsible for their acts, but also take instant measures to banish any Portuguese or other person who conspires to injure the trade of the British merchants.

The Consul sends this only as a warning, and hopes the information he has received has been exaggerated.

The Consul wishes the King health and happiness.

(Signed) HENRY GRANT FOOTE.

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Inclosure 2 in No. 1.

*Consul Foote to Commander Wratislaw.*

Sir, *Lagos, February* 6, 1861.

IN consequence of information I have received from Porto Novo, I fear I shall be under the necessity of proceeding in Her Majesty's ship "Brune" to that place, in order to punish the King and the Chiefs for repeated acts of aggression against British and other traders resident at Badagry and at Lagos.

You may not be, probably, aware that Porto Novo has ever been a depôt of slaves, that the only foreigners suffered to form establishments there by the King and Chiefs are natives of Brazil, who are all more or less interested in the Slave Trade, and that these Brazilians, by means of presents, have obtained such an influence over the King and Chiefs that, although not personally appearing at the Councils of the Chiefs, they so far influence them as to induce them to obstruct the legitimate trade of the British and others to such a degree that, notwithstanding our Treaty with them of January 1852, they manage, by threats of poisoning and other means, to prevent the settlement at that place of any British factory or trading establishment.

At the same time it is well known that at the trading establishments of these Brazilians parties of slaves are constantly kept nominally to be employed at the Brazilian factories, but actually in order that they may be collected in gangs and shipped from one of the small ports between Badagry and Aghwey.

It was in this manner that the cargo was completed for the "*City of Norfolk.*" Of late, however, the cruizers have been so active that the Brazilians have not had a chance of shipping; they have, therefore, devoted their attention to the more complete withdrawal of British traders from their stronghold, and, as I have been informed, have suggested to the Chiefs the propriety of shutting out the people of Lagos from the palm-oil trade.

The Chiefs assembled a few days ago, and the result was the stoppage of some puncheons of oil belonging to a British subject which were on their way to Lagos.

Yesterday the owner of the oil reported the circumstance to me, and I accordingly at once sent a messenger to the King of Porto Novo informing him that I would lose no time in proceeding in the "Brune" to that place in order to punish them severely if the oil trade was not opened again at once.

In the event of their non-compliance, I am fully determined to destroy the place, thus giving a lesson to these people which they will not easily forget, and at the same time routing out a nest of the most determined slave-dealers, as well as enemies to legitimate trade, we have on the West Coast.

I now merely wish, in transmitting this information to you, to know what force you can detail for this duty, and what co-operation I can expect from you.

I do not expect any resistance; but at the same time I must not expose the expedition to failure.

One bold stroke given at the right moment, and justified by a decided act of aggression, will have more influence in putting down the detestable Traffic than any addition we can make to the number of our cruizers.

Finally, the season being healthy and dry, we should not delay longer than is actually necessary.

I now only await the return of my messenger from the King, when if my demand that this stoppage of the oil should be withdrawn is not complied with, I shall at once call upon you for an addition to our force, and proceed to Porto Novo for the purpose above specified.

I have, &c.

(Signed) HENRY GRANT FOOTE.

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Inclosure 3 in No. 1.

*The King of Porto Novo to Consul Foote.*

Sir, *Porto Novo, February* 10, 1861.

THE King of Porto Novo presents his compliments to you and wishing you well; your letter together with staff have safely reached me on the 8th ultimo, for which I am obliged. In reply I have to inform you, Sir, that I never listen to the advice of any of the Portuguese or any person, as I had sufficient knowledge to govern my country.

Sir, respecting the British merchants' or traders' oil they informed you that I have

stopped, it is all falsehood ; I disallow only the Lagotians to buy oil in my country, but not the English or British merchants.

Sir, I have also to inform you that I made no distinction of the British merchants and traders in enjoying the same privilege with the Portuguese merchants, so far as the country affords them.

Sir, I am a real friend to the English, for which reason I advised them to stay at Badagry ; meantime I will send them sufficient oil.

Sir, the reason why I disallow the English merchants and traders to build factories in my country is because I believe how friendly soever two may be, if they reside in one house, they will surely quarrel sometimes, and I wish not in any way to offend the British nation as they are my intimate friend ; with regard to the Portuguese who reside with me, I could at any time turn any out as soon as they offend me, but I would never do so to the English.

Sir, it would be very proper indeed that King Docemo write to me as you have done, as I disallow his people, but not yours ; they are at liberty to come with their goods and buy their oil and go away. In conclusion, Sir, I have to inform you that I have assembled all the Portuguese merchants and traders, together with an innumerable of my people and strictly inquire of them whether they have any oil belonging to any British merchants or traders ; they all said No ! Sir, I would beg of you to allow the merchants or traders (whose oil I have stopped) to come or either send person to receive his oil, as I will not be responsible for the same. I have only stopped the Lagotians from carrying any oil down, but not the English. I would also beg of you, Sir, not to listen to any person so as to cause confusion between I and you.

My sincere love and respect to you, and wishing you long life, peace, and prosperity.

I am, &c.
For the King of Porto Novo,
(Signed) BENJ. W. PRATT.

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Inclosure 4 in No. 1.

*Commander Wratislaw to Consul Foote.*

Sir, *"Ranger," off Lagos, February* 17, 1861.

IN answer to your letter with reference to what force I could detach in addition to the crew of Her Majesty's ship "Brune" to carry out your views with respect to Porto Novo, supposing that other means had failed to cause the Chiefs of that place to reopen their trade, I have the honour to inform you that my complement of white men, including officers, &c., is only sixty men. I would therefore be able to send an officer with fifteen men.

As to the co-operation, being unacquainted with the place, I should be glad to have your opinion how best I could assist you, and whether you consider the force mentioned sufficient for the purpose.

I have, &c.
(Signed) H. WRATISLAW.

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Inclosure 5 in No. 1.

*Consul Foote to the King of Porto Novo.*

*"Brune," off Porto Novo, February* 24, 1861.

THE British Consul presents his respects to the King of Porto Novo. The Consul received the King of Porto Novo's answer to his despatch.

The Consul has seen with regret that the King is determined to oppose the English, and to refuse them the privilege of trading or erecting factories at Porto Novo, while well-known slave-dealers are permitted to reside there, and this notwithstanding the King and Chiefs of Porto Novo solemnly agreed, in their Treaty with the English of January 17, 1852, Article IV, to permit the English to carry on trade freely in every part of the territories of the King and Chiefs of Porto Novo, to have houses and factories therein ; and they also pledged themselves to show no favour to the ships or traders of other countries, which they did not show to the subjects of Her Majesty the Queen of England.

The King and Chiefs also pledged themselves solemnly to abolish the export of slaves

to foreign countries for ever, to prohibit any of their subjects, or any person within their jurisdiction, from selling or assisting in the sale of any slave for transportation to a foreign country.

The King and Chiefs not only pledged themselves to observe the foregoing, but several other Articles, and in all cases they have broken them.

They not only have done all in their power to injure English trade, but they have actually seized palm-oil belonging to British subjects. They have openly encouraged the export of slaves by permitting well-known slave-dealers to reside within the city of Porto Novo, for the purpose of receiving slaves sent by the King of Dahomey for export, and they have refused British merchants permission to make factories, or establish there, merely because the King and Chiefs, and their Brazilian friends, fear that their Traffic in Slaves might become known, and that information might be sent to Her Majesty's cruizers as to their movements.

The repeated injuries caused to English trade, and the determined opposition offered by the King and Chiefs to the English, their open encouragement of the Slave Traffic, and the fact that Porto Novo is the principal slave depôt on the coast, render it imperative on Her Majesty's Government to act with vigour in chastising the King and Chiefs of Porto Novo.

The Consul, therefore, as the Representative of Her Majesty the Queen of England, makes the following demand, viz. :—

That before 12 A.M. to-morrow, the King must repair on board Her Majesty's ship "Brune."

That he must be prepared to pay any losses or damage which may have been occasioned through the seizure of British property.

That a guarantee shall be given for the better observance in future of the Treaty stipulations, and that the King will sign another agreement more comprehensive in its details than the former one.

The Consul gives the King the time specified to repair on board the "Brune," and at the same time declares that if the King does not comply with his request, he will immediately understand that the King still defies British authority, and intends to treat him as he treated former Consuls by sending excuses, making great promises, and then laughing with the Brazilians at the tricks he has placed upon the English.

The Consul will therefore, at the time appointed, order the Commander of the "Brune" to fire upon the town of Porto Novo.

He therefore now notifies this his intention to the King, in order that due notice may be given to the inhabitants, whether natives or foreigners, to remove their families and property from the town, so that innocent people might not suffer from the bombardment.

(Signed) HENRY GRANT FOOTE.

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Inclosure 6 in No. 1.

*Additional Articles to the Treaty with the King and Chiefs of Porto Novo, signed January* 17, 1852.

[See Inclosure 2 in No. 3.]

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No. 2.

*Consul Foote to Lord J. Russell.—(Received June* 12.)

My Lord, *Lagos, May* 9, 1861.

FINDING that the King of Dahomey had so far influenced the King of Porto Novo as to induce him to refuse all satisfaction for the injuries done to our traders, and the non-fulfilment of his Treaty stipulations with us, and that the latter had even constructed a barrier across the river, and stationed war canoes and troops along the banks, for the purpose of attacking the "Brune," in the event of my paying another visit to Porto Novo, I sent a despatch, of which the inclosure is a copy, to Commodore Edmonstone, together with the copies of my correspondence with the King of Porto Novo, and other documents referring to the subject.

The Commodore having previously received information of the King of Porto Novo's proceedings from one of the cruizers, immediately ordered the gun-boats to rendezvous at Lagos, so that in a day or two after his arrival he had assembled a very respectable force, and made the necessary preparations, so that upon my return from Abbeokuta, I had

merely to forward my request for a force, and the steamers and boats entered the harbour.

We steamed up Badagry Creek from Lagos on the 23rd, the Commodore, myself, and a portion of our force, in the hired steamer "Fidelity," and the "Brune" and the "Bloodhound" following us.

Unfortunately the "Brune" and the "Bloodhound" both grounded, but on the 25th the "Brune" got off, and steamed up with us. The "Bloodhound" could not be got off, so we left her.

At about 4 P.M. we came in sight of the barrier, which had been run across to prevent our ascending the river. It was composed of stakes driven into the river, well tied under water with ropes, and the interstices filled with a very tenacious and strong grass which grows in abundance along the river bank. Behind the barrier we saw several war-canoes, but upon the approach of the steamers they vanished up the river. On getting close to the barrier we were fired upon from the left bank, but the bullets fell short. The boats which were towing astern pulled in to the barrier to examine it. Near the centre they found the weakest spot, and after a little trouble, they pulled up the heaviest and most formidable of the stakes.

The Commodore himself went in a boat, and came to the conclusion that we could force the "Fidelity" through. We steamed on full power, and succeeded, and the "Brune" followed. It being now dark, we anchored for the night.

On the 26th, at 5·30 A.M., we got underweigh, and stood up for Porto Novo, and at about 6·30 we came in sight of the houses. We steamed quietly along until we came abreast of the first houses, when a heavy fire opened upon us from the grass and low scrub upon the banks. We steamed on, however, keeping in close line until we got into the position previously arranged, viz., the "Fidelity" and a portion of the boats in front of the King's Palace, and the "Brune" and her division near the centre of the town.

We anchored, and commenced firing rockets, grape and canister, and shell. The shore seemed one mass of fire and smoke from the number of the enemy who opened upon us, but soon their fire slackened, and the rockets began to tell with fearful effect upon the town. Each rocket set a line of houses on fire. Our marines and small-arm men did great execution also. The ball from the Enfield rifle reached a long way beyond the grass banks, whilst the musket-balls of the enemy fell short. A few bullets certainly passed over us, but they were easily known as Miniés.

In less than an hour the town was in a blaze: the King's Palace was one mass of flame; in fact, nearly every house was burning or in ruins.

The enemy, however, still kept their ground in the grass. It was therefore deemed advisable to dislodge them with the boats. Accordingly Commander Raby headed the boats, and dashed in to the bank almost into the midst of the enemy, the boats discharging grape, canister, and case-shot into them at a few yards distance. The enemy were now mowed down in dozens, and a general retreat commenced. The marines and seamen landed, and found the place abandoned; none but the dead were to be seen.

It is impossible to ascertain the exact loss sustained by the enemy, but I believe it must have been some 500 killed. Our loss amounted to only one killed, and some five or six slightly wounded.

The expedition was most judiciously arranged. The plans were arranged before starting—the nature of the ground, position of the enemy, and their mode of warfare fully explained.

The Commodore has thus managed, by a most judicious arrangement of his force, to defeat an enemy numbering nearly 10,000, all well armed, with scarcely any loss to ourselves.

I cannot help drawing a comparison between the attack upon Lagos, and that upon Porto Novo. At the former we had a frightful list of killed and wounded, against an enemy numbering less than 3,000, whereas here, by restraining the impetuosity of his officers, and well thinning the ranks of the enemy before trusting his men on shore, the Commodore has not only saved the lives of several men, but struck a greater amount of terror into the minds of the enemy. If they could have killed but a dozen white men, they would have rejoiced.

The Commodore will no doubt detail the services of such individual officers as may have distinguished themselves, but I claim your Lordship's permission to mention the name of Lieutenant Cay, of Her Majesty's ship "Arrogant." He commanded on board the "Fidelity," so that I had an opportunity of personally witnessing his energy, determination, and good judgment.

Having completely destroyed the town, and all the slave-barracoons in the place having caught fire, and the enemy having disappeared altogether, the Commodore ordered

the vessels to weigh. We arrived at Lagos on the 28th, the officers and men in good health and spirits, and, I believe, not a case of fever. Seldom or ever has an expedition left for service on the inland waters of the African coast, and returned so successfully in every way.

The result of the expedition has already reached the interior; salutes have been fired at Abbeokuta, and I have received congratulations from the King of Ijebu; whilst the non-friendly Chiefs, amongst the rest Kosoko, have sent letters and messengers offering their friendship and their alliance.

The King of Dahomey has even been moved by the destruction of his principal slave-depôt. He is beginning to realize the danger of his position, but I am told he has threatened to destroy every Frenchman or Englishman he can get hold of. He is certainly a perfect monster, and his acts of cruelty are multiplying daily; he laughs at the attempts of the philanthropic people of England to convert him, and has been heard by Englishmen and others to declare that he wished he had the English Chiefs who send the war-ships to catch the slaves at Abomey; that he would shave their heads, and make them carry his hammock. Even the slave-dealers themselves are not safe from his tyranny. One of their number was conveyed to Abomey the other day rolled up like a cigar. Such was the description given me by an eye-witness.

I have, &c.
(Signed) HENRY GRANT FOOTE.

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Inclosure in No. 2.

*Consul Foote to Commodore Edmonstone.*

Sir, *Lagos, April* 22, 1861.

I HAD the honour to forward to you all the particulars connected with the dispute which has arisen between us and the King and Chiefs of Porto Novo, as well as copies of the recent letters received from the Acting Vice-Consul at Badagry, by which you will perceive that the King and Chiefs were prepared at one time to accede to our terms, but that through the intervention of the King of Dahomey, they were induced to withhold their consent, and have actually made preparations to resist any attack from us.

I have, therefore, to request that you will assist me in bringing them to terms, and that you will detach such a force as you may deem sufficient to proceed up Badagry river for the purpose of obtaining satisfaction for these repeated injuries and insults, it being impossible to obtain anything by negotiation.

I am, &c.
(Signed) HENRY GRANT FOOTE.

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No. 3.

*Acting Consul Mc Coskry to Lord J. Russell.—(Received July* 1.)

My Lord, *Lagos, May* 27, 1861.

I HAVE the honour to inclose the Treaty signed by the King and Chiefs of Porto Novo on the 16th instant.

The King of Porto Novo not having returned to Porto Novo since the bombardment on account of his house being at present uninhabitable, the Acting Vice-Consul could not obtain any literate witnesses to witness the signature.

Since the signature of the Treaty trade has been much improved, and palm oil in considerable quantities is daily arriving at Badagry from Porto Novo.

I have, &c.
(Signed) W. Mc COSKRY.

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Inclosure 1 in No. 3.

*Treaty with the King and Chiefs of Porto Novo, signed January* 17, 1852.

COMMODORE HENRY WILLIAM BRUCE, Commander-in-chief of Her Majesty's ships and vessels on the West Coast of Africa, John Beecroft, Esquire, Her Majesty's

Consul in the Bights of Benin and Biafra, and Arthur Parry Eardley Wilmot, Esquire, Commander of Her Majesty's ship "Harlequin," and Senior Officer present, on the part of Her Majesty the Queen of England; and the King and Chiefs of Porto Novo and of the neighbourhood, on the part of themselves and of their country;—have agreed upon the following conditions:—

ARTICLE I.

The export of slaves to foreign countries is for ever abolished in the territories of the King and Chiefs of Porto Novo, and the King and Chiefs of Porto Novo engage to make and to proclaim a law prohibiting any of their subjects, or any person within their jurisdiction, from selling or assisting in the sale of any slave for transportation to a foreign country, and the King and Chiefs of Porto Novo promise to inflict a severe punishment on any person who shall break this law.

ARTICLE II.

No European or other person whatever shall be permitted to reside within the territory of the King and Chiefs of Porto Novo for the purpose of carrying on in any way the Traffic in Slaves, and no houses, or stores, or buildings of any kind whatever, shall be erected for the purpose of Slave Trade within the territory of the King and Chiefs of Porto Novo; and if any such houses, stores, or buildings shall at any future time be erected, and the King and Chiefs of Porto Novo shall fail or be unable to destroy them, they may be destroyed by any British officers employed for the suppression of Slave Trade.

ARTICLE III.

If at any time it shall appear that Slave Trade has been carried on through or from the territory of the King and Chiefs of Porto Novo, the Slave Trade may be put down by Great Britain by force upon that territory, and British officers may seize the boats of Porto Novo found anywhere carrying on the Slave Trade, and the King and Chiefs of Porto Novo will be subject to a severe act of displeasure on the part of the Queen of England.

ARTICLE IV.

The slaves now held for exportation shall be delivered up to any British officer duly authorised to receive them, for the purpose of being carried to a British Colony and there liberated, and all the implements of Slave Trade, and the barracoons or buildings exclusively used in the Slave Trade, shall be forthwith destroyed.

ARTICLE V.

Europeans or other persons now engaged in the Slave Trade are to be expelled the country; the houses, stores, or buildings hitherto employed as slave-factories, if not converted to lawful purposes within three months of the conclusion of this engagement, are to be destroyed.

ARTICLE VI.

The subjects of the Queen of England may always trade freely with the people of Porto Novo in every article they may wish to buy and sell in all the places, and ports, and rivers, within the territories of the King and Chiefs of Porto Novo, and throughout the whole of their dominions; and the King and Chiefs of Porto Novo pledge themselves to show no favour and give no privilege to the ships and traders of other countries which they do not show to those of England.

ARTICLE VII.

The King and Chiefs of Porto Novo declare that no human beings shall at any time be sacrificed within their territories on account of religious or other ceremonies, and that they will prevent the barbarous practice of murdering prisoners captured in war.

ARTICLE VIII.

Complete protection shall be afforded to missionaries or ministers of the Gospel, of whatever nation or country, following their vocation of spreading the knowledge and doctrines of Christianity, and extending the benefits of civilization within the territory of the King and Chiefs of Porto Novo.

Encouragement shall be given to such missionaries or ministers in the pursuits of

industry, in building houses for their residence, and schools and chapels. They shall not be hindered or molested in their endeavours to teach the doctrines of Christianity to all persons willing and desirous to be taught; nor shall any subjects of the King and Chiefs of Porto Novo who may embrace the Christian faith be on that account, or on account of the teaching or exercise thereof, molested or troubled in any manner whatsoever.

The King and Chiefs of Porto Novo further agree to set apart a piece of land, within a convenient distance of the principal towns, to be used as a burial-ground for Christian persons; and the funerals and the sepulchres of the dead shall not be disturbed in any way or upon any account.

ARTICLE IX.

Power is hereby expressly reserved to the Government of France to become a Party to this Treaty, if it shall think fit, agreeably with the provisions contained in Article V of the Convention between Her Majesty and the King of the French for the suppression of the Traffic in Slaves, signed at London, May 29, 1845.

In faith of which we have hereunto set our hands and seals at Porto Novo, on board Her Britannic Majesty's ship "Harlequin," 17th January, 1852.

(Signed) ARTHUR E. WILMOT, *Commander.*
C. F. F. BOUGHEY, *Senior Lieutenant.*
THOS. EARL, *Master.*
SUGEE, *King of Porto Novo.*
GOGA, SOGA } *Chiefs of Porto Novo.*

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Inclosure 2 in No. 3.

Additional Articles to the Treaty between Commodore Henry William Bruce, John Beecroft, Esquire, Her Majesty's Consul in the Bight of Benin, and Arthur Parry Eardley Wilmot, Esquire, Commander of Her Majesty's ship "Harlequin," and Senior Officer present on the part of Her Majesty the Queen of England; and the King and Chiefs of Porto Novo and of the neighbourhood, on the part of themselves and of their country, signed at Porto Novo on the 17th January, 1852.

WHEREAS it is expedient to make further additions to the aforesaid Treaty;

It is therefore hereby agreed between Henry Grant Foote, Esquire, Her Britannic Majesty's Consul for the territories lying within the Bight of Benin, and Thomas Tickel, Esquire, Her Britannic Majesty's Acting Vice-Consul at Badagry and Porto Novo, on behalf of Her Most Gracious Majesty the Queen of Great Britain and Ireland, and the King and Chiefs of Porto Novo:—

ARTICLE I.

English people, or others under English protection, may buy or sell, or hire lands and houses, in the Porto Novo country; and they shall be permitted to erect factories for the purposes of trade, and certain spots of ground shall be assigned to them, in suitable places, for that purpose. And if English people are wronged or ill-treated by the people of Porto Novo, the King and Chiefs shall punish those who wrong or ill-treat the English people.

ARTICLE II.

But English people must not break the laws of the Porto Novo country, and when they are accused of breaking the laws the Chiefs shall send a true account of the matter to the British Consul, and the Consul shall send for the English person, who shall be tried according to English law, and he shall be punished if found guilty.

ARTICLE III.

If the Porto Novo people should take away the property of an English person, or shall not pay their just debts to an English person, the King of Porto Novo shall do all he can to make his people restore the property and pay the debts. And if English people should take away the property of the Porto Novo people, or should not pay their just debts to the Porto Novo people, the King of Porto Novo shall make known the fact to the Vice-Consul, if there is one, or to the Consul at Lagos, who shall do all he can to make the English person restore the property and pay the debt.

ARTICLE IV.

The Queen of England may appoint an Agent to visit the Porto Novo country, or to reside there, in order to watch over the interests of the English people, and to see that this Agreement is fulfilled. And in case of danger of attack from an enemy, or when necessary for the protection of the Agency, the Resident Agent may be allowed to send for and maintain a guard for his protection.

The Agent shall always receive honour and protection in the Porto Novo country, and the King and Chiefs of Porto Novo shall pay attention to what the Agent says; and the person and property of the Agent shall be sacred.

ARTICLE V.

All differences and disputes for debts, or other engagements between English people and English people shall be determined by the English Agent or Resident in the Porto Novo country, subject to the approval of Her Majesty's Consul at Lagos.

ARTICLE VI.

No wars shall be entered into between the King and Chiefs of Porto Novo and any other Chiefs or State without first making the British Consul acquainted with the matter in dispute.

ARTICLE VII.

The King and Chiefs of Porto Novo shall do all in their power to encourage trade and establish a friendly alliance with King Docemo, of Lagos, and his people, and all other Native Chiefs and people under the protection of Her Britannic Majesty. And should any disputes arise between the people of Lagos and the people of Porto Novo, the King and Chiefs will decide justly and fairly between their respective countrymen, and, at their earliest convenience, agree upon some plan for the settlement of disputes between them.

ARTICLE VIII.

That the King of Porto Novo engages to remove, without delay, any obstructions to the free navigation of the lagoon between Badagry and Porto Novo, and that henceforth he will keep it free from all such obstructions to sea or river-going craft as do not naturally exist.

ARTICLE IX.

The King of Porto Novo shall within forty-eight hours of the date of this Agreement, proceed to proclaim it and carry it into effect.

Done, signed, and sealed at Porto Novo, this 16th day of May, 1861.

(Signed) THOMAS TICKEL, *Acting Vice-Consul.*
SUGEE, *King of Porto Novo.*
PREGAUH, *Chief.*
GOGAUH, *Chief.*
AGUJUBIE YORUBAH, *Chief.*
MAMA MAHMADO, *Mahomedan Chief.*

The above signatures of the King and Chiefs of Porto Novo were signed by me, at their request, their hands touching the pen.

(Signed) THOMAS TICKEL, *Acting Vice-Consul.*

# PORTO NOVO.

CORRESPONDENCE relating to the Attack on Porto Novo by Her Majesty's Naval Forces on the West Coast of Africa.

*Presented to the House of Lords by Command of Her Majesty.* 1861.

LONDON:
PRINTED BY HARRISON AND SONS.

# FURTHER CORRESPONDENCE

RELATING TO THE

# ARREST AND IMPRISONMENT

OF

# CAPTAIN MACDONALD

AT

# BONN.

(In continuation of Papers presented to Parliament, April 12, 1861.)

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*Presented to both Houses of Parliament by Command of Her Majesty.*
1861.

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# Further Correspondence relating to the Arrest and Imprisonment of Captain Macdonald at Bonn.

## No. 1.

*Baron Schleinitz to Count Bernstorff.—(Communicated to Lord J. Russell by Count Bernstorff, May 6.)*

Mit ebenso großer Ueberraschung als lebhaftem Bedauern habe ich aus den öffentlichen Blättern ersehen, in welcher Weise Lord Palmerston in der Sitzung des Unterhauses vom 26ten v. M. die an ihn gerichteten Interpellationen in der Angelegenheit des Capitain Macdonald beantwortet hat. Wir konnten nicht erwarten, daß er in dieser Sache die Auffassung der Preußischen Regierung theilen werde; aber wir durften voraussetzen, daß der erste Minister Englands, in voller Kenntniß des von uns dargelegten Thatbestandes, sich davon frei halten werde, unbegründete Vorwürfe auf die Regierung und die Gesetze Preußens zu häufen. Er selbst hat nicht umhin gekonnt anzuerkennen, daß das Verfahren der Preußischen Behörden den Preußischen Gesetzen gemäß gewesen sei. Und in der That hat das Preußische Gericht der Handlung des Capitän Macdonald die mildeste Deutung, die das Gesetz gestattete, gegeben, und nur eine geringfügige Geldbuße gegen ihn erkannt; die Unterzeichner des beleidigenden Protestes sind zwar von dem Richter verurtheilt worden, aber frei von Strafe ausgegangen, weil der Allerhöchste Gnaden-Erlaß vom 12ten Januar d. J. auf sie Anwendung fand; die Preußische Regierung endlich, die Alles gethan hat, was in ihrer Hand lag, um die Haft des Capitain Macdonald abzukürzen, hat ohne Rückhalt ihr Bedauern über den Vorgang selbst der Britischen Regierung ausgesprochen. Wie bei solcher offenkundigen Lage der Sache die Preußische Regierung der Vorwurf treffen könne, daß sie zu thun unterlassen habe, was ihr als Großmacht und als eine England befreundete Regierung obliege, das hat auch die Rede Lord Palmerston's darzuthun nicht vermocht.

Wenn dieser hervorragende Staatsmann hierbei auch meiner und zwar in einer Weise gedacht hat, für die ich ihm persönlich nur dankbar sein kann, wenn er namentlich sich auf meine Kenntniß der Denkart und Weise des Englischen Volkes beruft, so kann ich vor allen Dingen die Bemerkung nicht unterdrücken, daß während des mehrjährigen Aufenthalts in England, den ich meiner amtlichen Stellung verdankte, mich nichts mit größerer Bewunderung erfüllt hat, als der im Englischen Volke überall festgewurzelte Sinn für Recht und Gesetzlichkeit, der auch in der Achtung vor den Richtersprüchen sich darlegt. Ich kann nicht annehmen, daß das Englische Volk diese Achtung dem Spruche Preußischer Richter in einem Falle versagen werde, wo es galt, die Verletzung der Gesetze des Landes, in dem er sich aufhielt, gegen einen Engländer zu rügen, und wo die Englischen Kronjuristen selbst anerkennen, daß den Landesgesetzen gemäß gehandelt worden sei.

Daß in Handhabung der Gesetze des einen Landes, Unterthanen des anderen von dem Richter verurtheilt werden, scheint mir kein Umstand, der das Verhältniß beider Regierungen zu einander stören könnte, deren enge freundschaftliche Verbindung in ihrem beiderseitigen Interesse liegt. Ich kann mir aber nicht verhehlen, daß Vorwürfe solcher Art, wie sie Lord Palmerston ohne Grund und Rechtfertigung gegen die Regierung und die Gesetze Preußens erhoben hat, wohl dazu angethan sind, im Preußischen Volke Mißstimmung gegen eine Regierung zu erregen, deren Leiter kein Bedenken trägt, öffentlich die Zustände Preußens als bedauerliche zu bezeichnen. Wenn aus einer solchen Mißstimmung eine Entfremdung der Regierungen Preußens und Englands, die ich nur im höchsten Maße würde beklagen können, hervorgehen sollte, so würde wenigstens die Preußische Regierung keine Schuld an der Störung des guten Vernehmens mit England tragen, das zu pflegen und zu fördern sie jederzeit aufrichtig bemüht gewesen ist.

Eure Excellenz ersuche ich ergebenst gegenwärtige Depesche gefälligst Lord John Russel vorzulesen, und ihm eine Abschrift derselben zu übergeben.

Berlin, den 1. Mai, 1861.

(gez.) Schleinitz.

Seiner Excellenz,
Herrn Grafen von Bernstorff,
&c. &c. &c.
London.

(Translation.)

*Berlin, May* 1, 1861.

IT is with as great surprise as deep regret that I have learned from the public papers the manner in which Lord Palmerston, on the 26th ultimo, replied in the Lower House to the interpellation addressed to him on the affair of Captain Macdonald. We could not expect that he would share the view taken by the Prussian Government of this matter, but we might suppose that the First Minister of England, in the full knowledge of the state of the fact as laid down by us, would refrain from heaping ungrounded reproaches upon the Government and laws of Prussia. He himself has not been able to avoid the admission that the conduct of the Prussian authorities was in accordance with the laws of Prussia. And in fact the Prussian Court gave the mildest interpretation allowed by the law to the conduct of Captain Macdonald, and only awarded a trifling pecuniary penalty against him. The signers of the offending protest were indeed sentenced by the Magistrate, but they were free from punishment, because the supreme grace of the 12th January last was accorded to them. And lastly, the Prussian Government, which did everything within its competency to abridge the imprisonment of Captain Macdonald, expressed without reserve to the British Government its regret at the occurrence itself. With the notoriety of this affair, how a reproach can be made to the Prussian Government that it has omitted doing anything which it was incumbent upon it to do, as a great Power, and as a Government friendly to England, that, moreover, is not shown in the speech of Lord Palmerston.

If this prominent statesman has remembered me in this affair, and indeed in a way for which personally I can only be grateful, if, as is the case, he appeals to my knowledge of the way and mode of thinking of the English people, I cannot, above all things, repress the observation that, during the sojourn of several years in England which I owed to my official position, nothing filled me with greater wonder than the sense of right and legality everywhere deeply-rooted in the English people, which also shows itself in deference to the decisions of the Magistrates. I cannot think that the English people will refuse this deference to the decision of a Prussian Magistrate in a case where the question was to punish an Englishman for an offence against the laws of the country in which he was staying, and in which the English Crown jurists themselves admit that the proceeding was in accordance with the laws of the country.

It appears to me that a trial of the subjects of one country by a Magistrate of the other, in the maintenance of its laws, is not a matter which could disturb the relations to each other of two Governments whose closely-amicable connection lies in their mutual interest; but I cannot conceal from myself that reproaches of such a nature as Lord Palmerston has put forth without grounds or justification against the Government and laws of Prussia, are well calculated to excite in the Prussian people an ill-feeling against a Government whose leaders have no hesitation in publicly designating the condition of Prussia as deplorable.

If an estrangement of the Governments of Prussia and England, which I could not but deplore in the highest degree, should result from such ill-feeling, the Prussian Government at least would be guiltless in the disturbance of the good understanding with England which it has always sincerely endeavoured to foster and promote.

I request your Excellency to read this despatch to Lord John Russell, and to give him a copy of the same.

(Signed) SCHLEINITZ.

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No. 2.

*Lord J. Russell to Lord A. Loftus.*

My Lord, *Foreign Office, May* 22, 1861.

I SEND your Lordship herewith, copy of a despatch from Baron Schleinitz* which was put into my hands by Count Bernstorff, and which contains obser-

* No. 1.

vations upon a speech made by Lord Palmerston in the House of Commons, on the case of Captain Macdonald.

I have in the first place, to remark, that as a general rule it is inconvenient and objectionable that the Government of one country should make matters which pass in debate in the Parliament of another country the subject of diplomatic representation and correspondence, but Her Majesty's Government are willing to admit that there may be cases in which statements made or opinions expressed by a Minister of the Crown may, if it is thought advantageous to do so, be made exceptions to this general rule. Her Majesty's Government, therefore, do not complain of the step taken by Baron Schleinitz on the present occasion, as objectionable in principle.

With respect to the contents of that despatch, I have to state that, as it consisted substantially of a reply to and an animadversion upon the speech of Lord Palmerston, it was natural that I should consult Lord Palmerston as to the manner in which that despatch should be dealt with; and I have now to inform you that, if Baron Schleinitz's despatch had contained merely a renewed record of the opinions of the Prussian Government on the Macdonald affair, and a statement that those opinions had in no degree been changed by what was said in the House of Commons, on the occasion in question, Lord Palmerston would not have considered it necessary to prolong by an answer a discussion which every well-wisher to a cordial good understanding between the Prussian and British Governments must regret, and must be desirous of seeing brought to an end; but as Baron Schleinitz has chosen in one part of his despatch to accuse Lord Palmerston "of heaping ungrounded reproaches on the Government and laws of Prussia," and in another part "of having put forth reproaches without grounds or justification against the Government and laws of Prussia," he deems it right to state that what he said on the occasion in question was said advisedly and upon full conviction; that he deliberately abides by all that he then said; and that he sees nothing in it either to be retracted or to be explained away; and he is convinced that the opinions which he then expressed are entirely shared by the great bulk of his fellow-countrymen.

Those opinions, however, he would observe, were confined to the conduct of the Prussian Government and of their subordinate officers; he said nothing that could justly give offence to the Prussian nation, with regard to whom he only expressed a regret that they should be liable to laws which vest in subordinate and irresponsible agents powers and authority which, as in the case of Captain Macdonald, are capable of being used with cruelty and injustice without any overstepping of the strict limits of the law.

You will read this despatch to Baron Schleinitz and give him a copy of it.

I am, &c.

(Signed) J. RUSSELL.

# Further Correspondence relating to the Arrest and Imprisonment of Captain Macdonald at Bonn.

(In continuation of Papers presented to Parliament, April 12, 1861.)

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*Presented to both Houses of Parliament by Command of Her Majesty.* 1861.

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LONDON:
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# CORRESPONDENCE

RESPECTING THE

# ARREST AND IMPRISONMENT

OF

# CAPTAIN MACDONALD

AT

# BONN.

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*Presented to both Houses of Parliament by Command of Her Majesty.*
1861.

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# Correspondence respecting the Arrest and Imprisonment of Captain Macdonald at Bonn.

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No. 1.

*Consul Crossthwaite to Lord J. Russell.—(Received September 17.)*

My Lord, *Cologne, September 15, 1860.*

I AM requested to transmit the inclosed letter to your Lordship from Captain G. Macdonald, a British subject, at present confined in the jail at Bonn.

I have been engaged during two days investigating the matter, and endeavouring to induce the authorities to accept bail for the Captain's appearance.

The statement made by Mr. Macdonald is in accordance with the reports which are circulated with respect to the occurrence, and it appears that he was undoubtedly justified in endeavouring to retain possession of his own and of his friends' places in the railway-carriage, in consequence of which he has undergone so much suffering.

I have sent a full report of the proceedings to Lord Bloomfield, and have called his Lordship's attention to the fact that Captain Macdonald had already been in jail four days, and that up to 4 o'clock this afternoon the "Verwahrungs-Befehl," or warrant for his detention, had not been received by the Governor of the Prison. According to the law of Prussia, any individual arrested by the police must be examined by the Juge d'Instruction, who must sign the warrant ("Verwahrungs-Befehl") within twenty-four hours at the latest. In this instance a British subject has been deprived of his liberty without the formality of the law being fulfilled.

The trial of Captain Macdonald is to come on, as I understand, on Tuesday next, when I purpose attending to watch the proceedings.

I have, &c.

(Signed) G. F. CROSSTHWAITE.

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Inclosure in No. 1.

*Captain Macdonald to Lord J. Russell.*

*The Prison, Bonn, on the Rhine, Prussia,*

My Lord, *Saturday, September 15, 1860.*

MAY I beg your attention to the following facts? I will state them as briefly as possible, in the hope that you will lay them before the Queen.

I started from Mayence last Wednesday, with my sister-in-law, her husband, nurse, and child. When the train stopped at Bonn, the gentleman and nurse and child got out for some refreshment. Some strangers came into the carriage, then a gentleman and lady got in, thus filling the carriage. I told him, in

French, that the two places next the door were taken, pointing to them. My sister told him so in German, but he did not move. I then called the conductor, and told him, and when my friend and the nurse came up I pointed them out to the gentleman who had taken our places. He became most insolent. I told him he must move, pushing him lightly on the shoulder, whereupon the railway official came furiously up to me to pull me out. I pushed him back, and was immediately seized by three or four men who had entered the carriage from the opposite door, and thrown out of the door on to the platform. The lady who was with me was also treated in a very rough manner.

After the train went off, and we were in the Telegraph Office, the same railway official came pushing up to me (without any provocation), in the most insolent manner. I pushed him back, and was immediately surrounded by all the officials of the place, and treated, shaken, in a most savage manner. Being by myself I was entirely at their mercy.

I was taken before a police officer, accused of striking and kicking the railway people, and marched off to prison, where I was searched, all my money, watch, &c., taken from me, and locked up in a cell. I could not get anything to eat (though I had not tasted food since that morning), and in the morning when I again asked for food, they brought me some stuff which (when I tried to eat it) made me sick.

The next day, some officials came to me, and they took down what I had to say (through an Interpreter), and told me I should be put on my trial perhaps next Tuesday, but they could not say for certain. In the meantime I am kept a close prisoner here, only allowed to see any one for half-an-hour in a-day, and that in presence of the Governor, and even that indulgence requires a special order.

Our Consul came to see me yesterday. He says the punishment of the offence I am charged with must be imprisonment, the least a fortnight, and the most two years, and that they will not take into account the punishment I am now undergoing; that I have no chance of justice, as the officials of the railway all pull together, and no one can speak for me, as the train at once went off.

But the principal person here told the Consul you can claim me as an English subject, and Member of Her Majesty's Household (which I am), and thus put an end to the matter.

Our Consul has advised me to write this letter to you. If I was in an English prison, with cleanliness about me, I would not ask you to lay this, my humble request, before Her Majesty, as I have no desire to seek notoriety; but being locked up every night in a chilly cell, in a foreign land, not understanding their language, with other prisoners, and their dirty habits, is no small punishment to an English officer and gentleman, and so I take the liberty of troubling your Lordship with this unavoidably long letter. If I am treated thus before I am even tried, how shall I be treated when condemned? I would willingly undergo any punishment if there was any chance of bringing the fellows to justice, but I am told there is not the slightest. I state, upon my honour, that I did not strike the man, for two reasons, 1st, because I know how jealous foreigners are about a blow, and, 2ndly, because my sister was with me, who would have fainted at the sight of a blow.

I have, &c.

(Signed) G. V. MACDONALD,

*Exon, Her Majesty's Royal Body Guard of the Yeomen of the Guard, and late Captain 19th Regiment.*

P.S.—My offence is simply against the railway people, and not against the police, so that they have no interest in detaining me.

The Governor is as civil as his duty will permit, but I am much too proud to ask for any indulgence not willingly accorded.

G. V. M.

## No. 2.

*Lord Bloomfield to Lord J. Russell.—(Received September 19.)*

My Lord, *Berlin, September 17, 1860.*

I HAVE the honour to inclose copies of two letters which reached me by this morning's post, the one from Her Majesty's Consul at Cologne, the other from Captain Macdonald, late of the 19th Regiment, and Exon of Her Majesty's Royal Body Guard of the Yeomen of the Guard, who appears to have been illegally imprisoned at Bonn in consequence of an altercation with some railway officials.

The case seeming to be one in which the interference of Her Majesty's Legation is justifiable, I have addressed a letter to Baron Schleinitz, of which a copy is inclosed, for your Lordship's information, requesting his Excellency to cause an investigation into the affair to be made, and to take means for the early release of Captain Macdonald.

I have, &c.
(Signed) BLOOMFIELD.

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Inclosure 1 in No. 2.

*Consul Crossthwaite to Lord Bloomfield.*

(Extract.) *Cologne, September 15, 1860.*

I AM requested to transmit to your Lordship the inclosed letter from Captain Macdonald, a British subject now in prison at Bonn.

The treatment to which this gentleman has been subjected is such, that I think it my duty to call your Lordship's most serious attention to the case. I was summoned to Bonn by telegrams, and accordingly I went thither yesterday, having now been occupied two days, not only in investigating the matter, but likewise in endeavouring to induce the authorities to accept bail for the Captain's appearance.

I am able to corroborate the statement contained in the letter addressed to your Lordship, but the Railway Inspector asserts that he was struck; it is just possible that, during such a struggle, he has mistaken a push for a blow. Nevertheless, it is allowed by all parties that Captain Macdonald was justified in attempting to keep his own and his friends' places in the railway-carriage, and that the real aggressor was Dr. Parow, of Bonn, he being the party that entered the carriage with his wife, and, notwithstanding Mr. Macdonald's remonstrance, insisted upon keeping possession of the seats, and finally had Captain Macdonald ejected from the carriage.

Now, it is very natural that an Englishman, especially one of Her Majesty's Officers, should feel most indignant at such a proceeding, and perhaps, his ire being aroused (besides his total ignorance of the blind obedience to be paid to the orders of railway officials in this country), that he might have struggled against such a forcible ejection; and when, after losing his place, he is asked to deposit 10 thalers, it is not surprising that he should consider this demand as an imposition, whereupon he is carried off to jail.

Having stated these particulars, I will now inform your Lordship what steps have been taken.

As the Ober-Prokurator was absent, I applied to his substitute, the Staats-Prokurator Möller, representing to him the quality and position of the prisoner. I pleaded his ignoranee of the language and customs of the country, and offered to deposit any amount of bail that might be considered necessary.

The Prokurator replied, that bail could not be accepted, as he was a foreigner, but that, if I liked, I might petition the Court, although he should object to it, as it was necessary to show foreigners that they cannot insult railway officers with impunity; he pointed out that the least punishment would be fourteen days' imprisonment, but it might be two years.

Upon my calling his attention to the fact of the punishment already inflicted, to the injury suffered by being detained in this country, and to the disagreeable impression such a course of proceeding would create, he said the

case must have its regular course; and, with reference to the prisoner being one of Her Majesty's Officers, he could only be reclaimed by the English Ambassador appealing to the authorities at Berlin.

The services of an advocate (Dr. Schöler) have been engaged to defend Captain Macdonald, whose trial will probably take place on Tuesday next, when I shall attend to watch the proceedings, and will not fail to report to your Lordship the result of the trial.

I was anxious to see the warrant of arrest; accordingly, accompanied by the Advocate, I proceeded yesterday at 4 o'clock to the jail, and requested the Governor to show me the "Verwahrungs-Befehl," or warrant. His reply was, that he had no warrant; the prisoner was delivered to him by the police.

According to the law of this country an investigation ought to take place before the Juge d'Instruction within twenty-four hours, latest, after the arrest, and a "Verwahrungs-Befehl," or warrant, is signed by that officer for the detention of the prisoner.

Mr. Macdonald was arrested on Wednesday afternoon, and up to 4 o'clock on Saturday afternoon no such warrant had been made out. The Advocate declares the detention to be an illegal act, and one which calls for the interference of your Lordship.

This law is the *habeas corpus* of Prussia, and is fundamental; any breach thereof is enough to render the act an illegal one, and the fact of Captain Macdonald being a foreigner does not justify the illegal proceeding. Mr. Macdonald has, even before trial, been suffering the penalty in advance, and should his trial not come on next Tuesday, he will have then to wait in prison ten days longer.

I send off this hurried statement in order that not a moment may be lost to obtain, if possible, Captain Macdonald's release. I will continue to send reports on this matter until I receive your Lordship's instructions.

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Inclosure 2 in No. 2.

*Captain Macdonald to Lord Bloomfield, September* 16, 1860.

[See Inclosure in No. 1.]

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Inclosure 3 in No. 2.

*Lord Bloomfield to Baron Schleinitz.*

M. le Baron, *Berlin, September* 17, 1860.

I REGRET to be under the necessity of appealing to the Prussian Government to interfere in behalf and for the protection of a British subject, who appears to be unjustly detained in prison at Bonn, on a complaint of the railway officials of that place.

Captain Macdonald, late of the 19th Regiment, and now an Officer of the Queen's Household, arrived on the 12th instant by the train from Mayence, accompanied by his sister-in-law, her husband, nurse and child, at Bonn, when all the party got out of the carriage to get some refreshment, except Captain Macdonald. Some strange people got into it, and subsequently a lady and gentleman filled the carriage. Captain Macdonald pointed to the seats which had been occupied by the last comers, and told them that they were engaged. These last comers appear to have been Dr. and Mrs. Parow, of Bonn, and they refused to move, and upon Captain Macdonald's touching the gentleman lightly on the shoulder, and repeating his request, Dr. Parow become very insolent, and the guard of the train came up and endeavoured to pull Captain Macdonald out of the carriage.

This, of course, he resisted, whereupon several men dragged him forcibly out of the carriage, and treated the lady who accompanied him in a very rough and unbecoming manner.

He was then, it appears, accused, before a police officer, of ill-treating the railway officials, and taken off to prison, where he still remains.

It seems that, according to the law of Prussia, an investigation of any similar case should take place before the Juge d'Instruction within twenty-four hours at latest after the arrest, and a warrant be issued for the further detention of the prisoner; and I have to observe to your Excellency that Captain Macdonald was arrested on Wednesday afternoon, and that up to Saturday evening no such warrant was issued, according to the information received by Mr. Crossthwaite, Her Britannic Majesty's Consul at Cologne, who had proceeded to Bonn to investigate the case, and, on requesting the Governor of the jail to produce the warrant ("Verwahrungs-Befehl") he was unable to do so, and replied that he had no warrant; that the prisoner was delivered to him by the police.

I must, therefore, conclude that the detention of Captain Macdonald was illegal, and I have the honour to request that your Excellency will cause a full investigation to be made of this affair, and inclose for your information the copy of a letter which I have received from Captain Macdonald, giving an account of the occurrence, in which he states upon his honour that he never struck any of the railway officials, although he may, under great provocation, have slightly pushed them, and I have further to request your Excellency to cause steps to be taken that will lead to the early release of Captain Macdonald from his present state of confinement.

I have, &c.
(Signed) BLOOMFIELD.

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No. 3.

*Lord Bloomfield to Lord J. Russell.*—(*Received September* 24.)

My Lord, *Berlin, September* 22, 1860.

CAPTAIN MACDONALD, whose case was referred to in my despatch of the 15th instant, was on the 18th of this month, after six days' incarceration, brought up for trial at Bonn, charged with striking the Railway Inspector, and with resisting the police in the discharge of their functions.

The prosecution totally failed in substantiating the charges thus brought forward, no evidence in support of them being adduced but that of the Inspector, who was himself the aggressor in the case, whereas two German, and therefore unbiassed, witnesses, deposed to the correctness of Captain Macdonald's statements. The Public Prosecutor, not content with endeavouring to prejudice the Judges against the prisoner by violent personal abuse heaped upon him, brought within the circle of his offensive vituperation the whole body of British residents and travellers abroad. Captain Macdonald was declared not guilty of the charges attempted to be proved against him, but was nevertheless fined 20 thalers, and costs.

Your Lordship will be able to gather the details of these proceedings from the statement of his case by Captain Macdonald, the protest entered by him against these proceedings before Her Majesty's Consul at Cologne, and the report of the latter gentleman to me, copies of which documents are herewith inclosed.

The very gross injustice evidently committed in this case, and the public insult so wantonly offered to the British nation at large, by a public officer of the Prussian Crown, seemed to require a strong remonstrance to the Prussian Government, and I addressed and forwarded to Baron Schleinitz yesterday the note of which the inclosed copy is herewith transmitted. In the conversations I have had on the subject with his Excellency, I have found the utmost readiness on his part to act in this matter in a manner conformable with the demands of justice and with the friendly and intimate relations existing between our two Governments.

I cannot conclude this despatch without expressing my approbation of the zeal and energy shown by Mr. Crossthwaite, Her Majesty's Consul at Cologne throughout the whole of this disagreeable affair.

I have, &c.
(Signed) BLOOMFIELD.

Inclosure 1 in No. 3.

*Captain Macdonald to Lord Bloomfield.*

My Lord, *Bonn, September* 18, 1860.

WITH reference to my letter of the 15th instant I have the honour to report that my trial took place this morning. I was indicted for hitting a railway passenger, and afterwards for hitting the railway officials. The person who occasioned the disturbance absented himself from the trial, whereas, contrary to all our expectations, my story was, in all its substantial facts, borne out by the evidence of two Germans, a lady and gentleman, who came spontaneously forward (and one of them at the cost of great personal trouble) to declare their sense of the outrage which they saw inflicted on me.

The story of the Inspector was totally unsupported by any witness. Notwithstanding this, the State Prosecutor was most bitter against me, saying that it was notorious that all Englishmen travelling abroad behaved themselves like blackguards (which observation I did not allow to pass uncontradicted), that I ought to be made an example of, and demanded a heavy punishment. The Judge said he could not find me guilty of the charges preferred against me, yet fined me 20 thalers, and costs. Not one word of admonishment to the people who misused me, not the least regret expressed at my hard treatment.

I am determined not to let the matter rest here. I feel I have been most brutally treated, unjustly deprived of my liberty, and put to great expense, by the extraordinary conduct of the railway officials; and I think myself bound, as a British subject, to protest against such injustice. I have even strong grounds for suspecting I have been illegally detained in prison, inasmuch as my advocate tells me that a certain document indispensable to the lawfulness of my detention was not lodged with the Governor of the prison till I had already been confined several days.

I find I can get no redress here. My advocate tells me that if I attempt to proceed against the railway people I shall get into further trouble, and that the only chance I have of redress is through the Foreign Office. So I am afraid I shall have to trouble your Lordship further in the matter. If I tamely submit to my present treatment, it will be to the prejudice of the next Englishman who gets into trouble here. And I also want to show the railway authorities that their servants cannot insult a British subject with impunity.

I beg to thank your Lordship for your prompt and kind attention to my case, and for the ready sympathy expressed in your letter to the Consul.

I have, &c.

(Signed) G. V. MACDONALD.

*Exon, Yeomen of the Guard, late Captain 19th Regiment.*

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Inclosure 2 in No. 3.

*Protest.*

APPEARED personally before me, G. F. Crossthwaite, Her Britannic Majesty's Consul at Cologne, Captain G. V. Macdonald, Exon, Yeoman of the Guard of St. James's Palace, London, and declared as follows:—

On Wednesday, the 12th instant, I arrived per train with my brother and sister-in-law, Mr. and Mrs. Kuhe of Brighton, their nurse and child, at the Bonn station, *en route* to Cologne and England. My brother-in-law with the nurse and child alighted to obtain some refreshments. During their absence two ladies entered the carriage, and after these a Dr. Parow of Bonn with his wife, seating themselves on the momentarily unoccupied places of my brother-in-law and nurse. Not speaking the German language, I endeavoured to point out to this person that the places were already engaged; he would not understand, and persisted in keeping possession, whereupon my sister-in-law, who speaks German, explained to him that we were a party from Mayence, and that he could not remain. He then applied some abusive expressions towards the

English in general. I then desired him to move, and pointed to my brother-in-law, whose return to the carriage was impeded by the Railway Inspector or Station-master. An altercation ensued; I tried to assist my brother-in-law into the carriage; the Railway Inspector Hoffman laid hold of me to pull me out; I naturally resisted. He then ordered me to get into another carriage, which I refused to do; meanwhile three or four officials entered by the opposite door, and dragged me out in the most brutal manner. I was thrown down upon the ground with great violence, and during the scuffle my sister-in-law was very roughly used by the officials. The train then proceeded on its course with all luggage and effects, I was taken into the office, and a demand for 10 thalers was made as a deposit, which demand I refused to accede to, not knowing upon what grounds I should be made to pay 10 thalers after being so shamefully used and losing my passage. I was then given in charge to the police and taken before a Commissary or Inspector.

In the meantime my brother-in-law went in search of legal advice, and during this period I was taken off and locked up in the prison. Here I was searched; my money, watch, &c. were taken from me. I was without any food until the next day, when the prison-fare was brought to me, but which I could not partake of; later on I was allowed to have my food sent to me from the hotel. The Consul at Cologne was apprised of my situation, and he was occupied on Friday and Saturday in endeavouring to get me released on bail, and this failing, to make arrangements for my defence, as I was given to understand that the charge made against me was for striking a Royal employé and for resisting the police, the punishment being at least fourteen days to two years' incarceration.

I remained in jail until Tuesday morning, the 18th instant, 9 o'clock A.M., when I was brought up and placed at the felons' bar for trial. An Interpreter was allowed me, but unfortunately his entire insufficiency, through his imperfect knowledge of the English language, rendered him totally useless as regarded my defence; it was impossible to understand what he said, nor could he explain that which I wished to have stated. The accusation against me was twofold,—

1st. I was accused of having struck a Royal functionary.

2nd. Of having violently opposed the police in the execution of their duty.

I positively denied having struck a blow, or of having opposed the police. I wished to explain how I had been dragged out of the railway-carriage, and the personal injury which I had sustained in consequence, besides being deprived of my liberty for so long a period, and the pecuniary loss entailed upon me in consequence. I was told that the railway officer had the power to protect passengers from insult and annoyance, but could get no reply to my question, "Why he did not protect me?" Some witnesses were called, who had witnessed the proceedings on Wednesday; they gave testimony to the shameful treatment to which I had been subjected, and positively declared that no blow had been struck, thus refuting the statement made by the Railway Inspector.

Not a single witness was called in support of the accusation, and Dr. Parow, the person who was really the transgressor, and who was the original cause of the whole commotion, was allowed to escape without being summoned to appear, or without any comment being made with reference to his conduct towards me.

When my advocate had pleaded my cause, as I understand in a very able manner, the State Procurator Möller made his charge; he endeavoured to show what a heinous crime I had committed, and called upon the Judges to inflict a severe punishment upon me, at least an imprisonment of fourteen days, that being the minimum. During this speech, wherein I was pourtrayed as some dreadful miscreant, he said among other things equally unjustifiable:—

"The English language was richer in words than any other language, and had one word which embraced all that was grand and noble: it is a pity that the conduct of Englishmen is totally opposed to this idea—for Englishmen, at least those who resorted to the Continent, conducted themselves in a presumptuous, shameless manner. Yes, he would even say, that they were in the highest degree vulgar."

As this part of the speech was taken down by one of the audience, I think it better to state the latter part in German, which was:—

"Aber die Engländer, wenigstens die welche den Continent bereisten, betrugen sich mit Anmassung, Unverschämtheit, und ich darf es sagen Lümmelei;" and concluded by calling upon the Judges to make an example of me.

Although I was acquitted of the charge, I was condemned to pay a fine of 20 thalers, and 14 thalers expenses.

Thus ended the proceedings, and instead of any satisfaction being made to me for the false accusation and false imprisonment, I had to pay a fine, and to become the innocent cause of a most unjustifiable stigma being cast upon my countrymen.

I therefore here protest against the whole proceedings:—

First. Because I was unjustly arrested during my return voyage to England, in consequence of another man taking possession of places paid for by me, and falsely accused of striking an official, whose duty it was to have protected me.

Secondly. Because I understand that, according to the laws of Prussia, I ought to have been examined by the Juge d'Instruction, and that no person can be kept beyond twenty-four hours in prison by the Police, without a warrant or "Verwahrungs-Befehl," signed by the Juge d'Instruction, and that such warrant had not been delivered to the jailer up to Saturday afternoon, 4 o'clock P.M., the fourth day of my imprisonment.

Thirdly. Because the treatment to which I was subjected was that of a condemned criminal; my watch and money being taken from me; I was not allowed to see any one except for half an hour in the presence of the jailer; and that I was locked up in at cell every evening at 6 o'clock.

Fourthly. Because I was falsely accused of the offence of which I was acquitted, and condemned to pay a fine and costs.

Lastly. Because even if I had been as wrong as I was right, and that through misunderstanding of the law of the land, being a foreigner I had a right to claim some consideration; and when Her Majesty's Consul offered to bail me to any amount, the Procurator refused to accept bail, by which refusal my sufferings were unnecessarily prolonged for three days.

(Signed) G. V. MACDONALD,

(L.S.) *Exon. Yeomen of the Guard, late Captain 19th Regiment, Exon's Apartment, St. James's Palace, London.*

Signed, sealed, and delivered in my presence,
Cologne, this 19th day of September, 1860.
(Signed) G. F. CROSSTHWAITE.

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Inclosure 3 in No. 3.

*Consul Crossthwaite to Lord Bloomfield.*

(Extract.) *Cologne, September* 19, 1860.

YESTERDAY I had the honour to telegraph to your Lordship the result of Captain Macdonald's trial.

I have now to report that the fine and expenses were paid to enable Captain Macdonald to proceed to England, he being too glad to be relieved from the dreadful confinement which he had endured. He drew up the Protest which I have now the honour to transmit herewith, and requested me to send it with the inclosed letter addressed to your Lordship.

As the protest and letter fully detail the events, it will only be necessary for me to call your Lordship's attention to the uncalled for and unjustifiable insult inflicted upon the whole British nation by the State Procurator. He said that, "The English language possessed one word, which no other language possessed, which word comprehended within itself all that was dignified and noble; it were desirable that the conduct of Englishmen should be in accordance with this idea, but the English people, at least those who frequented the Continent, conducted themselves with arrogance, impudence—yes, he could say, with blackguardism."

I add the original as taken from notes during the speech.

The English residents at Bonn have inserted a protest in the "Bonn Zeitung," an extract from which I likewise inclose. They feel most indignant at this public affront.

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Inclosure 4 in No. 3.

*Lord Bloomfield to Baron Schleinitz.*

M. le Baron, *Berlin, September* 21, 1860.

IN acknowledging the receipt of the note, dated this day, in which your Excellency informs me of the release of Captain Macdonald, I beg to express my cordial thanks for the promptitude with which you have been so good as to convey this intelligence to me.

Since addressing to your Excellency my note of the 17th instant, I have received from Captain Macdonald a detailed account of the whole transactions in this case, including the incidents of the trial, together with a protest against the proceedings in question, formally entered by him before Her Majesty's Consul at Cologne. I have the honour to inclose herewith, for your Excellency's information, copies of these documents.

A perusal of the clear and lucid statement contained in them cannot but remove all doubt as to the nature of the proceedings of which Captain Macdonald has been the victim. The aggrieved party, both by the unwarranted seizure of the seats belonging to his companions and by the insulting language used by the intruder, Captain Macdonald, is forcibly ejected from the carriage which he and his friends had occupied from Mayence, and to which, according to all rules of railway travelling, he possessed an undoubted right. The only charge that can be possibly brought against him is, that he attempted to resist this forcible ejectment; that this resistance, however, was of a merely passive kind, and unaccompanied by blows or other aggressive action, is not only vouched for upon his word of honour by Captain Macdonald himself, but is corroborated by the perfectly unbiassed testimony of two German witnesses. Not content with his ejectment, the violence of the railway officials continues after he is out of the carriage; he is thrown with force to the ground, and the ill-treatment, of which he is the object, is extended to his sister-in-law, the lady by whom he is accompanied. By the railway officials Captain Macdonald is handed over to the police, and lodged in the common jail, with all the ignominious formalities used in the case of an ordinary felon. Contrary to what I have been distinctly given to understand is the admirable safeguard provided by the Prussian law to protect individual liberty, and which renders all detention illegal after twenty-four hours, except upon the formal warrant of a Magistrate, Captain Macdonald remains several days in jail without such warrant having been made out. After six days' incarceration he is at last brought to trial, and the opportunity afforded him of stating his case.

It would be, of course, wholly irrelevant on my part to criticise the proceedings in a Prussian law court; but what, I may be allowed to ask, would be the impression left upon an unbiassed spectator by the scene enacted at Bonn on the 18th instant? A stranger, wholly ignorant of the laws of the country in which he finds himself, is brought up for trial upon a most serious charge, involving a possible penalty of two years' imprisonment. To make his case known to his Judges, an Interpreter is appointed, who turns out to be totally unacquainted with the language he is called upon to interpret. No witnesses are cited to substantiate the charge, the only evidence for the prosecution being that of the Railway Inspector, whose testimony, as that of the aggressor in the case, is necessarily totally valueless; whilst, for some unaccountable reason, Dr. Parow, the original cause of all the disturbance, who, if any one deserved the punishment due to the creators of such disturbances, is never even summoned before the Court. The Public Prosecutor, however, an officer of the Crown, endeavours by the virulence of his oratory to make up for the deficiency of his proofs, and not content with personal remarks of an apparently most severe kind upon the prisoner, he includes in his passionate vituperation the whole class of British subjects resident or travelling abroad, and that in terms which, unless my knowledge of the German language wholly fails me, were singularly inconsistent with the dignity of a court of law.

As might have been expected under the circumstances, the case breaks down. Captain Macdonald is found innocent of the charges brought against him; but, instead of the reparation for the gross ill-usage to which he had been subjected, on some ground as yet unexplained, the Court fines him 20 thalers and the costs; that is to say, for an offence as yet unspecified, but of

so trivial a kind as to be measured by a minimum fine, a British subject is submitted for the space of six days to incarceration in a common jail, and to the treatment of a common felon.

I feel that any comment upon transactions such as these would be entirely superfluous. Moreover, the long and intimate intercourse which has subsisted between your Excellency and myself, and the knowledge I have acquired of the high sentiments of justice and equity which animate your Excellency and the Government of His Royal Highness the Prince Regent, leave no room for me to doubt that you will, in the fullest measure, share the feelings of pain and indignation with which the perusal of these extraordinary proceedings has filled me, and I have the fullest confidence that your Excellency will, with the same promptitude which you have already shown in the case, hasten to obtain the reparation due to Captain Macdonald for the grievous injury he has suffered.

I avail, &c.

(Signed) BLOOMFIELD.

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No. 4.

*Consul Crossthwaite to Lord J. Russell.*—(*Received September* 23.)

My Lord, *Cologne, September* 21, 1860.

WITH reference to my despatch of the 15th instant, I have the honour to report to your Lordship that Captain Macdonald was brought up for trial before the Criminal Police Court at Bonn, on Tuesday last, and, although acquitted of the charge made against him, he had to pay a fine of 20 thalers and costs, or to suffer an imprisonment of eight days. The fine and costs were paid, and Captain Macdonald was restored to liberty.

A full report of the proceedings has been forwarded to Lord Bloomfield; and as there can be no doubt that the principles of International Law have been violated in the person of Captain Macdonald, the Prussian Government cannot fail to do justice to this gentleman's claims. I transmit herewith a translation of an able advocate's opinion, respecting the four principal points of reclamation.

I have, &c.

(Signed) G. F. CROSSTHWAITE.

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Inclosure in No. 4.

*Opinion.*

(Translation.)

IN the affair of Captain Macdonald, the following circumstances justify the English nation in claiming an indemnity from the Prussian Government:—

1. That Captain Macdonald was kept in prison from the 12th till the 18th of September, 1860, although a warrant signed by the Juge d'Instruction had not been delivered to him within twenty-four hours after his arrest, as required by the Prussian Constitution and the Rhenish Criminal Law.

2. That the State Procurator, Möller, did not instantly order the liberation of Captain Macdonald after the 14th of September, 1860, and even refused to the British Consul, who offered to deposit bail to any amount, to release the said Captain Macdonald, although he (the State Procurator) knew very well that no Juge d'Instruction was present at the examination, and that the prisoner could not be deprived of his personal liberty according to law.

3. That the State Procurator, Möller, has insulted the English nation (in general) travelling on the Continent.

4. That the Station-master Hoffman, upon the one-sided request, and upon the assertions, founded upon untruth, of Dr. Parow, took upon himself to remove Captain Macdonald from the seat which was appropriated to him for the journey from Mayence to Cologne, instead of giving another disengaged place to Dr. Parow, whom he knew personally, and was, therefore, well aware that he only just got into the train at Bonn, and further, that he persisted in the rudest manner, and with the most brutal force, in carrying out his unjustifiable decision.

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No. 5.

*Lord J. Russell to Lord Bloomfield.*

My Lord, *Coburg, September* 28, 1860.

I HAVE the satisfaction to inform your Lordship that your conduct in the case of Captain Macdonald is entirely approved.

Your Lordship is directed to press for reparation for this gross outrage. Unless it is obtained, it is obvious that any British subject travelling by railway may be ejected capriciously from the carriage in which he is travelling, and, if he should resist, may be confined in a prison, with felons, for four days without trial or inquiry.

It is impossible to believe that the Prussian Government intend to treat in this manner the subjects of a friendly Sovereign, still less that they can sanction their Law Officer in a calumnious attack on the whole British nation.

Your Lordship is so well acquainted with all the particulars of this case that I leave it in your hands, requesting you to inform me when the Prussian Government have made up their minds as to the reparation they mean to offer.

I am, &c.
(Signed) J. RUSSELL.

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No. 6.

*Lord Bloomfield to Lord J. Russell.—(Received at Coburg, October* 2.)

My Lord, *Berlin, September* 29, 1860.

WITH reference to my despatch of the 22nd instant, transmitting the copy of a note which I had addressed to the Prussian Government on the subject of the late imprisonment of Captain Macdonald, I have now the honour to inclose for your Lordship's further information, in translation, a protest signed by some of the English inhabitants of Bonn against the foul aspersions cast upon Her Majesty's subjects travelling on the Continent by the Staats-Procurator Möller, and also an extract of a letter from Her Majesty's Consul at Cologne of the 25th instant.

This letter incloses an advertisement by the Ober-Procurator von Ammon, in the "Cologne Gazette," inserted for the purpose of misleading public opinion respecting the protest of the English.

I have likewise the honour to inclose the translation of an explanatory statement which the English inhabitants of Bonn desired to have circulated by the press in answer to M. von Ammon, but which the Cologne paper refused to print, unless a signature were attached to it, being evidently afraid of incurring the displeasure of the Prussian Government.

I beg further to inform your Lordship that I have delivered a copy of this paper to Baron Schleinitz, stating that the press of Cologne declined inserting it.

Having been assured, when at Cologne on Sunday last, that the Ober-Procurator at Bonn had instituted legal proceedings against the subscribers to the protest against Möller, and that such a step was considered illegal by Captain Macdonald's counsel, and ought to be postponed until the inquiry into M. Möller's conduct was closed, I addressed the telegram (of which a copy is herewith sent) to Mr. Lowther, who lost no time in forwarding it to Baron Schleinitz.

I regret, however, to say that this communication has had no effect in arresting the proceedings, and I have been since informed by his Excellency that the 159th paragraph of the Straf-Gesetz-Buch, of which the following is a translation—"If the facts that have been averred and disseminated are punishable offences, and if they have been reported to the proper authorities, then procedure and judgment as to libel must be suspended, until it shall either have been decided that no investigation be made, or until the termination of the investigation,"—is inapplicable to the present case. He also stated that the practice of the law

of Prussia, of which we complain, as to the delay in issuing the warrant for the further detention of Captain Macdonald after his arrest, had not been departed from, and that all the proceedings, as far as they had yet been examined, were in conformity with the laws of this country.

I have, &c.
(Signed) BLOOMFIELD.

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Inclosure 1 in No. 6.

*Protest of English Residents at Bonn.*

WE, the undersigned English inhabitants of Bonn, beg to protest against the assertion made by the Staats-Procurator Möller, on Tuesday, the 15th instant, during the public sitting of the Police Court, that "the English residing and travelling on the Continent were notorious for the rudeness, impudence, and blackguardism of their conduct" ("Anmassung, Unverschämtheit, und Lümmelei").

We may not have reached the height of refinement and proper feeling on which the Staats-Procurator stands (we are but Englishmen), but we cannot understand how a Representative of the Prussian Crown could be so far carried away by his private feelings of hatred as to insult a whole nation to which the Consort of the Crown Prince belongs. Our Royal Princess is an "Englishwoman residing on the Continent." Our Queen will soon be "an Englishwoman travelling on the Continent!" Must they too quietly allow themselves to be dragged out of a railway-carriage by the railway servants, called "dummes Volk und Flegel," by Orthopädic Physicians; or, if they defend themselves, be thrust into a dirty jail for a week, and be then brought out to be told that they are "rude and impudent blackguards" by the Attorney-General of the Crown?

Is the conduct of the many respectable English families who live in Bonn, as peaceably as the feeling which the Staats-Procurator tries to rouse against them will allow, of such a kind as to deserve so uncalled-for and cowardly an attack on the whole British nation?

What would be thought of an English Attorney-General of the Crown who should stand up in Court and denounce all the German residents in London and Manchester as "rude and impudent blackguards?"

J. S. M. ANDERSON, *British Chaplain.*
WALTER C. PERRY.
P. J. H. BADDELEY.
E. RAPP.
G. M. CUMBERLAND, *Major.*
C. J. OLDFIELD, *Lieut.-Colonel.*
MORTIMER PERRY DRUMMOND.
FRANCIS P. WASHINGTON.
G. C. E. ROCHFORT.
GEORGE WILLIAMS.
C. T. THURSTON.

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Inclosure 2 in No. 6.

*Consul Crossthwaite to Lord Bloomfield.*

(Extract.) *Cologne, September 25,* 1860.

I NOW beg to call your Lordship's attention to the advertisement inserted by the Ober-Procurator von Ammon in No. 265 of the "Colnische Zeitung" of the 23rd instant, to which no reply can be inserted in any of the newspapers.

This explanatory notice, as it is called, is likely to mislead, inasmuch as great stress is laid upon most unimportant data, while the chief point, that is,

the warrant of detention, or "Verwahrungs-Befehl," is not alluded to. Now, this warrant had not been issued so late as 4 o'clock P.M. on the 15th instant.

The Ober-Procurator further says, that the prisoner was examined by the Juge d'Instruction. This ought to be proved. He was examined, but by an under officer, and, as no warrant was issued, the detention was illegal.

I understand that the Ober-Procurator has already commenced proceedings against Dr. Perry, one of the persons who signed the protest against the State Procurator; but as ere this your Lordship will have made application to apply the 159th paragraph of the Criminal Code, I hope that the preliminary proceedings will be inhibited until the proper inquiry into Möller's conduct be finished.

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Inclosure 3 in No. 6.

*Extract from the "Cologne Zeitung" of September* 23, 1860.

(Translation.)

THE communication contained in No. 263 of the "Cologne Gazette," stating that a Captain Macdonald had been arrested by the Railway Police, on the 12th of this month, for not conforming to the directions of the railway officials, and not only kept in custody, but that the Courts had not chosen to hear him until the 16th September, is, especially as regards the latter part of the statement, not true. Macdonald was arrested for having, he being a foreigner, assaulted and insulted the Station-master in the discharge of his functions, on the 12th instant. His case was heard by the Juge d'Instruction; on the 14th, the examination of witnesses took place, and on the 15th the "Strafraths-Kammer" referred the case of the accused to the Tribunal of Correctional Police, and on the 15th instant the sentence of the Court was pronounced.

(Signed) VON AMMON, *Chief Prosecutor.*

The protest that appeared in No. 263 of the "Cologne Gazette" by several English inhabitants of Bonn, against the expressions used by the Public Prosecutor Möller, in the sitting of the Tribunal of Correctional Police (not Police Court) of the 18th instant (not the 17th), are founded, as far as I have been able to ascertain, on an incorrect representation of the case.

(Signed) VON AMMON, *Chief Prosecutor.*

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Inclosure 4 in No. 6.

*Explanatory Statement by the English Residents at Bonn, which the "Cologne Zeitung" refused to publish.*

(Translation.)

THE Public Prosecutor, von Ammon, in Bonn, has published two reports bearing date the 21st instant, which are calculated to mislead public opinion out of Bonn.

What is especially remarkable about the first report concerning the arrest of Captain Macdonald is, that while several unimportant dates are therein mentioned, that of the warrant issued against the Captain is not mentioned at all. The warrant was, namely, not issued until the 15th instant, nor was it handed over to the Governor of the jail until after 4 o'clock in the afternoon of the same day.

The second report, having reference to a protest made by several English residents in Bonn, against the attacks of the Public Prosecutor, Möller, is hardly to be understood, as there is but one feeling in Bonn, namely, of reprobation of Möller's conduct, there being more than thirty witnesses who are ready to confirm the facts mentioned in the protest.

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Inclosure 5 in No. 6.

*Lord Bloomfield to Mr. Lowther.*

(Telegraphic.) *Cologne, September* 23, 1860, 3 P.M.

THE Ober-Procurator at Bonn has instituted proceedings against Perry for inserting in Bonn newspaper the protest of the English against Möller.

Proceedings ought to be delayed until inquiry into Möller's conduct is closed. I understand that the 159th paragraph of the "Straf-Gesetz-Buch" declares, that any matter arising out of a previous subject of litigation cannot be proceeded with until that previous matter is determined.

It is to be hoped, for the ends of truth and justice, that the witnesses against Möller he examined on oath, and selected from amongst the numerous persons present and listening to the trial.

Pray communicate immediately with Baron Schleinitz.

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No. 7.

*Lord Bloomfield to Lord J. Russell.—(Received at Coburg, October* 2.)

(Extract.) *Berlin, September* 29, 1860.

CONCEIVING that I should be advancing the ends of justice by making known to Baron Schleinitz the report which Mr. Consul Crossthwaite had addressed to me, which I have the honour to inclose herewith, on the subject of his various interviews with the individuals concerned in Captain Macdonald's arrest and imprisonment, I have read to his Excellency an extract of this letter, and left it with him for his information.

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Inclosure in No. 7.

*Consul Crossthwaite to Lord Bloomfield.*

(Extract.) *Cologne, September* 24, 1860.

IN accordance with your Lordship's wishes, I have now the honour to make the following report on the subject of my interviews with the individuals concerned in Captain Macdonald's arrest and imprisonment.

On Thursday evening, the 13th instant, I received a telegram from Bonn, requesting me to attend on the following morning. I accordingly went and saw the Railway Inspector Hoffmann, he was much excited against Captain Macdonald and his party, saying, they could not be respectable people. I asked him to give me a statement of facts. He then said: "On the arrival of the train at Bonn, I was called to the carriage in which a party arriving from Mayence had come; complaints were made by ladies inside of the conduct of the person called Captain Macdonald; a violent altercation ensued, and Dr. Parow, who had entered the carriage, requested me to remove the Englishman. I then desired him to get out, and pointed to another carriage for him and his party. He refused, and I then gently laid hold upon him, whereupon the Englishman struck me a heavy blow upon the chest. My assistants then went round, and, entering the carriage by the opposite door, ejected the Englishman. After the train had passed on, I took the party into my office and pointed out to the Englishman that he had violated the railway regulations, and by his resistance to my authority he had to deposit 10 thalers as 'Cautionsgeld,' or go to prison. He then again became violent, and I then gave him in charge of the police." He added that "such disgraceful conduct must be punished."

I observed to him that I did not come over there to encourage my countrymen in assaulting or striking the authorities; my object was to inquire into the case, and if possible to get the gentleman released from the place in which he was confined. Hoffmann then advised me to see the Commissary of Police.

I accordingly went to this functionary. He seemed to treat the matter very lightly, and, after stating the manner of arrest, advised me to see the State

Procurator Möller, in the absence of the Ober-Procurator, and he said that it was a serious offence to strike a railway officer; but, as the Englishman did not understand German, and could not know the laws of the land, he did not doubt that the affair would be settled by the infliction of a small fine, and, if I wanted to get him out of prison, he recommended me to offer M. Möller bail to the amount of 100 or 150 thalers.

I then repaired to the State Procurator Möller; after stating the object of my visit, he said that Captain Macdonald had subjected himself to a punishment of at least fourteen days, or as much as two years. He expressed great indignation at the Captain's conduct, and alluded to the manner in which the English generally conducted themselves on the Continent as if they were not in a civilized land. I replied, that perhaps a few might misconduct themselves, but such a complaint could not be made against all; he said, at all events, people who travelled must know they cannot strike down a railway officer in the execution of his duty. I pointed out to him that I understood Captain Macdonald was an Officer of Her Majesty s Body-Guard, and, setting aside his rank, it was a serious thing to arrest a British subject and to send him to jail like a felon: that unless he were speedily released it might have serious consequences; to this Möller replied: "Nun, dann wollen wir es darauf ankommen lassen" (We will run the risk of that). I asked if Captain Macdonald could be released on bail, offering to deposit cash to any amount. To this he replied: "I will not take bail, but, if you like to petition the Court, and offer to deposit 500 thalers, you can do so, although I tell you beforehand that I shall oppose it. I quite understand what you want—to get the Englishman out on bail, and then he will run off to England, not caring about the money; no, we must make an example of him." I again pointed out to him that the gentleman was in his right, and only endeavouring to keep his places for self and friends, that he could not speak a word of German, and was entirely ignorant of the laws and customs of the country. I asked if, as British Consul, I had a right to visit my fellow countryman at the prison? He did not object to my having access to the prisoner, although the regulations of the prison fixed certain days and hours for visiting. He wrote an authority for me to see the prisoner on the back of the card which I sent in to introduce my name to him. I asked him how long it would be before the prisoner would be brought to trial. He said: "I will endeavour to bring the cause on, if possible, on Tuesday next, otherwise he will have to remain in prison ten days longer, as the Court only sits at intervals." I then took my leave and repaired to the prison.

It is unnecessary to trouble your Lordship with further details. Respecting the trial itself, I have to remark, that the Interpreter appointed was incapable of translating.

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No. 8.

*Lord Bloomfield to Lord J. Russell.—(Received at Coburg, October 2.)*

My Lord, *Berlin, October* 1, 1860.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch dated Coburg, September 28, and am much gratified to learn that my conduct in the case of Captain Macdonald is approved of.

I wish it were in my power to report that any progress had been made, and that I saw a better prospect than when I last wrote, of this affair being brought to a conclusion; but up to the present moment nothing has occurred to give me increased hope of attaining a proper amount of reparation from the Prussian Government.

I saw Baron Schleinitz this morning, when he merely confirmed what he had before told me, that the inquiry against M. Möller continued, and that nothing had yet come to light which proved a departure from the usual legal course, and that without that proof the Minister of Justice could not remove him from his post.

He alluded to the proceedings for libel which had been instituted against the English who signed the protest, and said that this trial might produce evidence against M. Möller; and he gave me to understand that, if any proof

could be found of his having acted illegally, the Prussian Government would act with that severity against M. Möller which the case demands.

I then told his Excellency that I had received a despatch from your Lordship in answer to my reports on the subject of Captain Macdonald's arrest, imprisonment, and trial, and that it was very gratifying to me, as it contained the approval of my conduct by Her Majesty's Government, and I read it to him.

When I had finished, he asked me to leave it with him, which I at first declined doing, saying that though it might be well for him to know your Lordship's opinion on this subject, the despatch had not been written for the purpose of communication. However, he still pressed me, observing that his hands would be strengthened if he could show this despatch to his colleagues in the Government, and I finished by consenting to leave it with him.

I cannot pretend to say what result may attend this communication, but Baron Schleinitz appeared to believe enough in the truth of Captain Macdonald's story to induce him to express the assurance that, if the action for libel now going on at Bonn went against Möller, he should press the Minister of Justice to give the necessary reparation to Her Majesty's Government.

I have, &c.

(Signed) BLOOMFIELD.

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No. 9.

*Lord Bloomfield to Lord J. Russell.—(Received at Coburg, October 2.)*

(Extract.) *Berlin, October 1, 1860.*

I INFORMED your Lordship by telegraph that some of the English residents at Bonn had been accused of libel for the protest against the language held by the State Prosecutor Möller on the occasion of the trial of Captain Macdonald, which they signed and caused to be printed in the Bonn newspaper.

I think it advisable to employ a competent person to take notes during the trial, in order to secure a full and exact account of the proceedings, and I hope your Lordship will approve of this precaution.

I have the honour to inclose, for your Lordship's information, a letter published in the Bonn newspapers by Dr. Parow, in which he endeavours to exculpate himself from having been the cause of the altercation at the railway station.

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Inclosure in No. 9.

*Letter published in the Bonn Newspapers, by Dr. Parow.*

(Translation.)

THE Bonn newspaper contains the following declaration of Dr. Parow with respect to the affair of Captain Macdonald:—

"*Bonn, September 24, 1860.*

"On my return from a journey, I was made aware of a publication of several of the English residents here, and of the notice respecting the sitting of the Criminal Police Court of the 18th of this month, and I think it my duty to make known the following facts:—On the 12th ultimo, in the afternoon, I and my wife, after the signal 'ready' had been given, were directed by the guard on duty to enter a railway-carriage, which to all appearance seemed to offer room. This we tried to avoid doing, because an Englishman, who was inside, asserted that the places were engaged. As my wife was getting in, the Englishman took her by the shoulders with both hands to urge her out. I considered myself obliged to resent this aggression with sharp language, and to call for the assistance of the Railway Inspector against the conduct of this gentleman, who had, in the meantime, laid hands upon another passenger.

(Signed) "PAROW."

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No. 10.

*Lord Bloomfield to Lord J. Russell.*—(*Received at Coburg, October* 3.)

My Lord, *Berlin, October* 2, 1860.

I HAVE the honour to inclose herewith the copy of a letter addressed to Her Majesty's Consul at Cologne, by one of the persons accused of libel, and preparing for trial, and your Lordship will perceive, from a perusal of it, that every means are resorted to by the Judicial Authorities to endeavour to insure the conviction of Her Majesty's subjects concerned in this affair.

I have, therefore, thought it advisable to address a communication to Baron Schleinitz, of which a copy is inclosed for your Lordship's information, calling his Excellency's attention to these proceedings at Bonn, and requesting that orders may be immediately given to insure a public hearing of the witnesses, on oath; for it appears to be the intention of the Judges that their examination should take place in private, a course by which the truth will be concealed, and the ends of justice defeated.

I have, &c.
(Signed) BLOOMFIELD.

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Inclosure 1 in No. 10.

*Letter addressed to Consul Crossthwaite, from Bonn.*

(Extract.) *September* 30, 1860.

I WENT through a lengthened examination yesterday, which promised at first to be rather stormy. When I gave my deposition of Möller, the Instructions-Richter kept explaining and excusing his conduct. I thought this odd, and said, "Are you here to defend Möller?" at which he was excessively angry, and took it as an insult, though, as I told him, I did not intend it as one. I then explained why I concluded that Möller was influenced by private hatred. I said it was evident that a Public Prosecutor would not go out of his way to insult a whole nation, in presence of the Queen's Representative, unless he were influenced by private hatred; that this feeling had also been shown by his behaviour to you, and by the fact it was known in the town, before Macdonald's trial, that the State Procurator intended to give us a slap. I justified the word "cowardly," by saying that it was cowardly to make use of his official position to insult people who could not answer him. He did not take this *raisonnement* down, but wrote shortly that I had reasons to believe, and witnesses to establish, the assertions contained in the protest respecting the "Abneigung" of Möller against the English. I then brought forward a list of witnesses, which he took down; but he said that they would do us no other good than to abate somewhat from our punishment. He said that we could bring no action against Möller, who, as a representative of the Crown, could only be called to account by his superiors, so that unless Lord Bloomfield and Lord John Russell see to it, the whole affair will end by our being punished, and Möller getting off and set free to insult and injure every Englishman who comes across, and to encourage others to do the same.

What I want particularly to bring about is, that the witnesses against Möller should be examined, not in private, as they want to do, but in open court. The moral effect of this would be immense. If they are examined privately, by partial Judges, the whole thing will be spoiled. Will you urge Lord Bloomfield to demand this public examination of our witnesses? Everything depends on it.

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Inclosure 2 in No. 10.

*Lord Bloomfield to Baron Schleinitz.*

M. le Baron, *Berlin, October* 2, 1860.

DURING my absence from Berlin on the 24th ultimo, Mr. Lowther had the honour to deliver to your Excellency the copy of a telegram which I had addressed to him on the subject of proceedings connected with and resulting from the late trial and unjustifiable detention of Captain Macdonald during six days, in the common jail at Bonn, and to save the trouble of reference I beg to inclose a copy of this telegram.

I had expected that some consideration would have been bestowed upon that part of it, in which I state, "It is to be hoped for the ends of truth and justice that the witnesses against Möller be examined on oath," and I now learn with regret, that in the course of the preliminary proceedings which are going on against the English for a libel, the Judge ("Instructions-Richter") in his examination of witnesses, has given evidence of unmistakeable partiality for the cause of Möller, and has actually declared to one of the parties examined, that the only good that might result from the production of witnesses would be an abatement of punishment; thus assuming, before the trial, that the parties accused are guilty; adding, that the English could not bring an action against Möller, who, as a representative of the Crown, can only be called to account by his superiors.

Under these circumstances, and with a view to elicit the truth, I have to request your Excellency to urge the immediate transmission of orders to Bonn, that the witnesses against Möller be sworn, and their evidence taken in open Court, and not in private, as I understand is the intention of the Judges.

A refusal of the Prussian Government to allow the testimony of witnesses to be given in public, cannot fail to be considered by the Queen's Government as a denial of justice to Her Majesty's subjects.

I have, &c.

(Signed) BLOOMFIELD.

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No. 11.

*Lord Bloomfield to Lord J. Russell.—(Received at Coburg, October* 4.)

My Lord, *Berlin, October* 3, 1860.

A LETTER reached me this morning from Her Majesty's Consul at Cologne, containing the following passage:—

"I have now before me your Lordship's letter of the 1st instant. I had already made inquiries respecting a competent person to take notes during the approaching trial; there is some difficulty in finding such a person here, and I doubt whether he would be permitted to attend for the purpose of taking notes. I would strongly recommend your Lordship to send such a person from Berlin, armed with your Lordship's authority to attend the trial and to take notes, which, indeed, will be of the utmost importance. I will not engage any one until I hear again from your Lordship if some one will be sent from Berlin or not."

Conceiving it to be most unjust to debar Her Majesty's Government from obtaining a fair report of the proceedings of a Court of Law, in which the interests of several British subjects are deeply involved, I have addressed a communication to Baron Schleinitz, requesting his Excellency to obtain the necessary authority for such a person to remain in the Court at Bonn, during the approaching trial for libel, and I have the honour to inclose a copy of this communication for your Lordship's information.

I have, &c.

(Signed) BLOOMFIELD.

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Inclosure in No. 11.

*Lord Bloomfield to Baron Schleinitz.*

M. le Baron, *Berlin, October 3, 1860.*

I DIRECTED Her Majesty's Consul at Cologne, some days ago, to employ a confidential person to make notes of the proceedings about to take place in the Law Court at Bonn against some of the English residents there, who are accused of libel; and I have just learned, with regret, from Mr. Crossthwaite, that he has reason to fear such person will not be permitted to do so, unless authority is previously obtained from here.

I shall, therefore, be much obliged to your Excellency to procure the authority that seems to be required in this case.

I avail, &c.
(Signed) BLOOMFIELD.

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No. 12.

*Lord Bloomfield to Lord J. Russell.—(Received at Coburg, October 5.)*

My Lord, *Berlin, October 4, 1860.*

WHEN I was with Baron Schleinitz to-day, we had some conversation respecting the late imprisonment of Captain Macdonald; but I could not discover that the Prussian Government have taken any decision as to the degree of blame to be attached to the proceedings of the State Prosecutor Möller. His Excellency seemed, I regret to say, more disposed than before to place the conduct of that officer beyond legal censure, and said, with reference to the severe blame to which I declared his refusal of the bail offered by the Consul exposed him, that it must not be forgotten M. Möller was directing a prosecution against a man whose punishment, if the charge were proved, might amount to two years' imprisonment, while he seemed desirous to pass over the more gross acts of brutality and persecution which had been perpetrated against this English gentleman from the moment that he fell into the hands of the Police, and to forget altogether the insult offered to the British nation by M. Möller in his speech on opening the prosecution, and which, moreover, was pronounced in the presence of Her Majesty's Consul.

I reminded his Excellency of all this, when he said that M. Simons, the Minister of Justice, still considered a reprimand would be sufficient punishment, but that the approaching trial for libel might throw more light on the case, and that if proof could be brought that M. Möller's conduct was legally wrong, that proof would, of course, receive full consideration. I told his Excellency that he had seen the instructions with which your Lordship had honoured me, and I could add that I had no reason to believe that Her Majesty's Government would be satisfied with so small an amount of punishment, and that they expected to obtain reparation for the wrongs inflicted on Captain Macdonald by the punishment of Hoffman, the Railway Inspector, and by that of M. Moller, for the unnecessary severity he had displayed in exercising his authority, and for the gross expressions on the character of English travellers to which he had given utterance in a public Court of Justice.

I have, &c.
(Signed) BLOOMFIELD.

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No. 13.

*The Rev. J. Anderson and others to Lord J. Russell—(Received at Coburg, October 5.)*

My Lord, 8, *Baumschüler Allée, Bonn, October* 2, 1860.

WE, the Undersigned, being at this time English residents in Bonn, beg to address your Lordship on a subject closely connected indeed with another which has already been brought under your Lordship's notice (viz., the outrage recently committed at Bonn against Captain Macdonald), but which at present only concerns ourselves, and that most seriously.

Upon the trial of Captain Macdonald, a gross and deliberate insult was cast, in public Court, upon the whole British nation, by Möller, the King's Prosecutor, charging "the English travellers upon the Continent with being notorious for rudeness, impudence, and blackguardism." We could not but feel an indignant sense of the public wrong thus publicly done; and if further aggravation were needed, it is found in the painful conviction forced upon us of the unfair prejudices which had already been exhibited by this same Möller against the English before the trial; by his peremptory refusal of bail, and by expressing that refusal in terms most insulting to the British Consul who offered it, and to the whole nation of which the Consul was the Representative. We immediately, therefore, drew up, signed and published, a protest, of which I herewith send a copy to your Lordship.

For this act, a State Prosecution has been commenced against us for libel; and the three passages on which the charge of libel is attempted to be fixed, are underlined in the inclosed copy.* We were each examined separately by the Untersuchungs-Richter upon this charge; no other person but his Secretary and an Interpreter being allowed to be present. We declared ourselves "Not Guilty" of the charge, and our readiness not only to prove the fact of the utterance of the scandalous words of Möller, but also to justify each and all of the passages in question, if the witnesses whom we are prepared to bring forward might be allowed to give their testimony freely.

The examination of the witnesses before the Untersuchungs-Richter begins, we believe, to-morrow or Thursday; but of the day appointed for our trial we have not yet heard any tidings.

Full particulars of all that has occurred as yet upon this subject have been forwarded to Lord Bloomfield at Berlin; but we are now advised formally to acquaint your Lordship with the present state of things.

In doing so, we beg respectfully to say, that the act for which we are now prosecuted was one which, as Englishmen residing in a foreign country, we all felt bound to do; that the offence having been publicly committed, demanded not only a public, but prompt exposure; that delay of any kind would have diminished the effect of our remonstrance; that our "Protest," although questions of criticism may be raised upon this or that passage, was substantially true; and that we are prepared to prove, to the very letter, the truth of the alleged libellous passages.

We have done, in fact, no more than your Lordship, by virtue of your present high office, would have felt it your duty to have done (however different may have been the form of doing it), as soon as you had become cognizant of the facts, viz., to strive and vindicate the British name and character from reproach.

Yet, for doing this, we are instantly brought under the rigour of a penal statute. The Prussian Government, we are assured, has directed an inquiry into the conduct of Möller; and although we have reason to believe that the inquiry has not been conducted so far in any way calculated to attain the ends of justice, yet, before the inquiry is closed, and before a witness upon our side has been examined upon oath, the Government, whose officer Möller still is, calls us to account for daring to complain.

We regret to be obliged to trouble your Lordship with the notice of such a matter at this moment, but the urgency of the case admits of no other course. We shrink not for a moment, any one of us, from the position in which we stand, and are preparing to defend ourselves as we best can from the consequences which may follow. Meanwhile, we believe it to be our duty to

* The passages are printed in italics.

bring our position immediately under your Lordship's notice, and call upon you, as Her Majesty's Secretary of State for Foreign Affairs, to take such steps as you may think fit to stay the progress of the State Prosecution which has been instituted against us.

We have, &c.

(Signed) J. S. M. ANDERSON, *British Chaplain at Bonn.*
WALTER C. PERRY.
P. J. H. BADDELEY.
E. RAPP.
G. M. CUMBERLAND, *Major.*
C. J. OLDFIELD, *Lieutenant-Colonel.**
MORTIMER PERRY DRUMMOND.
FRANCIS PALMER WASHINGTON.
G. C. E. ROCHFORT, *Colonel.*
C. T. THURSTON.
G. WILLIAMS, (*not now in Bonn*).

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Inclosure in No. 13.

*Protest of English Residents at Bonn.*

WE, the undersigned English inhabitants of Bonn, beg to protest against the assertion made by the Staats-Procurator Möller, on Tuesday, the 18th instant, during the public sitting of the Correctional Police Court, that "the English residing and travelling on the Continent, were notorious for their rudeness, impudence, and blackguardism of their conduct" ("Anmassung, Unverschämtheit und Lümmelei").

We may not have reached the height of refinement and proper feeling on which the Staats-Procurator stands (we are but Englishmen), but we cannot understand how a representative of the Prussian Crown could be so far carried away *by his private feelings of hatred* as to insult a whole nation, to which the Consort of the Crown-Prince belongs. Our Royal Princess is "an Englishwoman residing on the Continent." Our Queen will soon be "an Englishwoman travelling on the Continent!" Must they, too, quietly allow themselves to be dragged out of a railway-carriage by the railway servants, called "dummes Volk and Flegel" by Orthopädic Physicians; or, if they defend themselves, be thrust into a dirty jail for a week, and be then brought out to be told that they are "rude and impudent blackguards" by the Attorney-General of Crown?

Is the conduct of the many respectable English families, who live in Bonn as peaceably as *the bad feeling which* the Staats-Procurator *tries to rouse against* them will allow, of such a kind as to deserve so uncalled for and *cowardly an attack* on the whole British nation?

What would be thought of an English Attorney-General of the Crown, who should stand up in Court and denounce all the German residents in London and Manchester as "rude and impudent blackguards?"

J. S. M. ANDERSON, *British Chaplain.*
WALTER C. PERRY.
P. J. H BADDELEY.
E. RAPP.
G. M. CUMBERLAND, *Major.*
C. J. OLDFIELD, *Lieut.-Colonel.*
MORTIMER PERRY DRUMMOND.
FRANCIS P. WASHINGTON.
G. C. E. ROCHFORT.
GEORGE WILLIAMS.
C. T. THURSTON.

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* Not yet examined, on account of illness.—J. S. M. A.

No. 14.

*Lord J. Russell to the Rev. J. Anderson and others.*

Gentlemen, *Coburg, October 5*, 1860.

YOUR letter of the 2nd only reached me this morning. Its contents will engage my earnest attention; but it is, as you must know, difficult to do more than require that the Prussian law should be fairly and impartially administered. Lord Bloomfield will watch closely the proceedings on the trial.

I am, &c.
(Signed) J. RUSSELL.

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No. 15.

*Lord Bloomfield to Lord J. Russell.—(Received at Coburg, October 7.)*

(Extract.) *Berlin, October 6*, 1860.

WITH reference to my correspondence with your Lordship regarding the late trial of Captain Macdonald, at Bonn, I have the honour to inclose a translation of a statement which has recently appeared in the "Cologne Gazette," emanating from a person calling himself an eye-witness of the altercation at the railway station, and which seems to have been inserted by the Inspector Hoffman, in order to justify his rough treatment of Captain Macdonald.

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Inclosure in No. 15.

*Extract from the "Vossische Zeitung" of October 3*, 1860.

(Translation.)

THE Cologne newspaper contains the following letter, addressed to the Railway Inspector Hoffman:—

"As the affair of the Englishman of the 12th ultimo continues to be talked of, and perhaps another and closer examination may take place, I feel it my duty to declare to you that as the guard showed us places in the carriage in which the Englishman in question sat, and just as I was getting in, the Englishman opposed me in a boxing attitude, so that I only escaped the blows he intended for me by jumping down immediately. I complained of this treatment immediately to the guard, who was the cause of it. Being alone with my wife, I was obliged to occupy myself with looking for other places; I can therefore say nothing about the further course of the matter, but I am ready to testify in a law court to the unbecoming behaviour of the Englishman towards me, and I empower you to make what use you please of my letter."

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No. 16.

*Lord J. Russell to Lord Bloomfield.*

My Lord, *Foreign Office, October 9*, 1860.

I HAVE received your Lordship's despatch of the 3rd instant, stating that you had applied to the Prussian Government, in conformity with the suggestions of Her Majesty's Consul at Cologne, for permission for some person to attend the Court at Bonn on behalf of the British residents of that place, during their approaching trial for libel, and I have to inform you that I approve the note which you addressed to Baron Schleinitz on this subject.

I am, &c.
(Sgned) J. RUSSELL.

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## No. 17.

*Lord Bloomfield to Lord J. Russell.—(Received at Mayence, October 10.)*

My Lord, *Berlin, October 9, 1860.*

WITH reference to my correspondence with your Lordship, respecting the recent trial of Captain Macdonald at Bonn, I have now the honour to forward herewith a copy of a communication which I have received from his Excellency Baron Schleinitz on this subject.

It only reached me in time for transmission by the present messenger.

I have, &c.

(Signed) BLOOMFIELD.

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Inclosure in No. 17.

*Baron Schleinitz to Lord Bloomfield.*

Milord, *Berlin, le 9 Octobre,* 1860.

J'ETAIS sur le point de communiquer à M. le Ministre de la Justice la lettre que vous m'avez fait l'honneur de m'adresser le 21 du mois passé sur l'affaire de M. le Capitaine Macdonald, lorsque je reçus de la part de M. Simons deux rapports que lui a adressés dans cette affaire le Procureur du Roi à Bonn. Ces pièces ne m'ayant pas encore suffi pour porter un jugement exact sur la réclamation de M. Macdonald, j'ai cru devoir demander de plus amples informations à M. le Ministre de la Justice, et c'est aujourd'hui seulement que je me trouve en mesure de me prononcer sur cette affaire.

Voici d'abord un exposé des faits, tels qu'ils résultent du premier des dits rapports :—

Le Mercredi, 12 Septembre, à 4 heures de relevée, M. le Capitaine Macdonald arriva par le chemin-de-fer de Mayence à Bonn, accompagné d'une dame, de son beau-frère avec ses enfants, et d'une nourrice. Quelques uns de ses compagnons de voyage ayant quitté momentanément leur coupé, d'autres passagers, parmi lesquels M. Parow, docteur en médecine, et sa femme, voulurent y prendre place. M. Macdonald s'y opposa, en déclarant que toutes les places étaient prises. L'Inspecteur de la gare étant survenu, et ayant appris par M. Parow que M. Macdonald avait repoussé un des voyageurs, ce que ce voyageur confirma, M. Macdonald fut invité par l'Inspecteur à descendre pour entrer dans un autre coupé qu'il voulût lui faire ouvrir. Pendant ce pourparler le beau-frère du Capitaine revint et se disposa à entrer dans le coupé au moment même où l'Inspecteur voulut en faire descendre M. Macdonald. Celui-ci y tira pourtant son beau-frère en donnant un coup de poing à l'Inspecteur. Aussitôt d'autres employés du chemin-de-fer entrèrent dans le coupé par la portière opposée et en éloignèrent M. Macdonald. Le convoi parti, l'Inspecteur de la gare l'invita à passer dans son bureau, où il lui demanda son nom, ainsi que le dépôt d'un cautionnement de 10 écus pour contravention au réglement de police. M. Macdonald rejeta l'une et l'autre demande. Conduit par devant le Commissaire de Police, celui-ci, après s'être informé des faits, le fit conduire à la maison d'arrêts. Dès le lendemain il fut interrogé par le Substitut du Juge d'Instruction sur l'imputation d'avoir commis un acte de violence envers l'Inspecteur de la gare dans l'exercice de ses fonctions. M. Macdonald contesta le fait en affirmant qu'il avait seulement fait reculer doucement l'Inspecteur, lorsque celui-ci avait voulu le faire quitter son coupé. L'audition de l'Inspecteur eut lieu le 14 sur la foi du serment, et le lendemain M. Macdonald fut assigné par devant le Tribunal de Police Correctionnelle, qui dans sa prochaine séance (du 18) le déclara seulement coupable d'avoir outragé l'Inspecteur de la gare dans l'exercice de ses fonctions, et le condamna à une amende de 20 écus, et aux frais. M. Macdonald ayant déposé sur le champ cet argent au parquet du Procureur, il fut aussitôt mis en liberté.

Ce sont là les faits. Permettez-moi maintenant, Milord, de les faire suivre de quelques observations qui me sont suggérées par M. le Ministre de la Justice.

Vos plaintes ont un double objet:—

1. Des défauts de légalité dans l'arrestation de M. Macdonald et dans la procédure qui a été observée ensuite à son égard.

2. Le procédé du Proceureur du Roi, M. Möller, dans la séance du Tribunal de Police Correctionnelle du 18 Septembre.

Permettez-moi, Milord, d'examiner l'une et l'autre de ces plaintes :—

Ad 1. Au dire de tous les témoins, M. Macdonald, s'il n'a pas usé de voies de fait, a du moins gravement offensé l'Inspecteur de la gare, qui, comme vous savez sans doute, Milord, est en Prusse un Agent de la force publique. Cet oubli de la position de l'Inspecteur a été la première cause de tous les désagréments que M. Macdonald a essuyés. S'il s'était rendu d'abord à l'invitation que l'Inspecteur, en sa qualité d'Agent de Police, était pleinement autorisé à lui adresser, et qu'il lui eût exposé ensuite ses plaintes contre le Docteur Parow et d'autres voyageurs, nul doute que l'affaire n'eût été réglée aussitôt selon ses désirs. Au lieu de cela, M. Macdonald a fait résistance à l'Inspecteur et l'a obligé ainsi à faire respecter ses ordres par l'emploi de la force. Plus tard, M. Macdonald, sur la sommation de l'Inspecteur de déposer un cautionnement et de décliner son nom, s'y refusa d'une manière absolue, en sorte qu'il doit s'en prendre à lui-même s'il a été conduit devant le Commissaire de Police, qui de son côté avait sans doute des motifs suffisants pour le faire mettre provisoirement en lieu de sûreté. Le jour même de son arrestation, M. Macdonald a été interrogé par la police, et le lendemain par le Substitut du Juge d'Instruction. Les autorités compétentes ont donc pleinement satisfait à la Loi du 12 Février, 1850, relative à la garantie de la liberté individuelle. Si l'expédition formelle du mandat d'arrêt n'a eu lieu que le 15, c'est que le Juge d'Instruction lui-même, M. de Bachofen, était momentanément absent de Bonn pour affaires de service et que les Substituts ne sont point autorisés à signer de pareils mandats. Pour éviter tout retard, le Tribunal, par un Arrêté du 15, nomma un de ses Assesseurs, M. de Dusseldorf, Juge d'Instruction en remplacement de M. de Bachofen, et c'est lui qui signa le mandat d'arrêt. L'affaire a été jugée ensuite aussi promptement que possible, puisque le prononcé du jugement a déjà eu lieu le 18. L'accusé avait choisi un défenseur, et fait citer des témoins à décharge ; et les dépositions de ces derniers ont engagé aussi le Tribunal à le renvoyer de l'accusation d'avoir commis un acte de violence envers un Agent du pouvoir dans l'exercice de ses fonctions, et à le reconnaître seulement coupable d'avoir fait un outrage à cet Agent, en admettant encore des circonstances atténuantes, en sorte que M. Macdonald n'a été condamné qu'à une légère amende. Le prévenu aurait pu dès son arrestation demander son élargissement provisoire contre un cautionnement ; rien ne se serait opposé alors à sa demande. Si d'autres témoins encore, nommément le Docteur Parow, qui était absent alors, n'ont pas été entendus dans cette affaire, c'est qu'on ne voulait pas prolonger l'arrestation de M. Macdonald ; et certainement celui-ci n'a pas lieu de s'en plaindre, puisque l'audition d'autres témoins (à en juger par les déclarations qu'ils ont faites plus tard publiquement) n'aurait peut-être pas permis au Tribunal d'écarter l'accusation plus grave de résistance à forces ouvertes, et de ne reconnaître dans l'action de M. Macdonald qu'un simple outrage, délit qui emporte une peine plus légère.

Ad 2. Le second rapport, dont il a été question plus haut, s'étend surtout sur le procédé du Procureur du Roi, M. Möller, dans la séance du tribunal de Police Correctionnelle, pour laquelle M. Macdonald avait été assigné, procédé contre lequel quelques Anglais demeurant à Bonn ont cru devoir protester dans les feuilles publiques. Invité par son préposé le Procureur Supérieur, M. d'Ammon, à Bonn, à se justifier, M. Möller a déclaré qu'il ne se souvenait plus exactement des termes dont il s'était servi dans sa réponse improvisée au plaidoyer du défenseur de l'accusé ; mais que s'il a cru devoir en cette occasion frapper de blâme la conduite de certains Anglais résidant ou voyageant en Prusse, il avait été loin de vouloir généraliser ce reproche, ou l'étendre à toute la nation Anglaise. Je crois devoir ajouter que dans son rapport à M. le Ministre de Justice, M. d'Ammon rend hommage au caractère de M. Möller, ne doutant pas que tout ce qu'il avance dans sa déclaration ne soit l'exacte vérité.

Ainsi les assertions des Anglais à Bonn sont en pleine contradiction avec celles du Procureur du Roi. Quoiqu'il en soit, le Gouvernement du Roi ne veut négliger aucun moyen de constater la vérité. En conséquence, M. le

Ministre de la Justice s'est décidé à procéder à une enquête disciplinaire contre M. Möller, conformément au § 23 de la Loi du 21 Juillet, 1852, et de nommer pour Commissaire du Gouvernement un Conseiller de la Cour d'Appel à Cologne. Le résultat de cette enquête sera porté à votre connaissance, Milord. En attendant, je vous prie d'être bien persuadé que la même impartialité et les mêmes principes de justice dont le Gouvernement du Roi tâche de s'inspirer dans tous ces actes lui servent aussi de règle invariable de conduite quand il s'agit de juger les plaintes élevées à la charge de ses propres employés. Si l'enquête prouve que M. Möller a agi contrairement à ses devoirs, il subira la peine établie par la loi. Mais d'autre part, vous conviendrez avec moi, Milord, qu'une pareille enquête seule, et non des articles de gazette, ou d'autres manifestations quelconques, peuvent servir à constater s'il y a lieu ou non de faire à M. Möller le reproche d'avoir manqué à ses devoirs.

Recevez, &c.

(Signé) SCHLEINITZ.

(Translation.)

My Lord, *Berlin, October* 9, 1860,

I WAS on the point of communicating to the Minister of Justice the letter which you did me the honour to address to me on the 21st ultimo, respecting the affair of Captain Macdonald, when I received from M. Simons two reports which have been addressed to him on the subject by the Procureur du Roi at Bonn. As these documents did not enable me to pronounce an exact decision on Captain Macdonald's claim, I thought it right to ask the Minister of Justice for more ample information, and it is only now that I am in a position to give my decision in the matter.

Here is, in the first place, a statement of the facts as they are recorded in the first of the said reports :—

On Wednesday, the 12th of September, at 4 o'clock in the afternoon, Captain Macdonald arrived by the Mayence Railroad at Bonn, accompanied by a lady and by his brother-in-law, with his children and a nurse. Some of his travelling companions having momentarily left the carriage, some other passengers, among whom were M. Parow, a doctor of medicine, and his wife, wished to take places in it. Mr. Macdonald opposed their doing so, declaring that all the places were taken. The Inspector of the station having come to the spot, and having learnt from M. Parow that Mr. Macdonald had pushed back one of the passengers, a statement which was confirmed by the passenger, Mr. Macdonald was invited by the Inspector to leave the carriage, and to occupy another which he wished to have opened for him. During this discussion the Captain's brother-in-law returned and prepared to enter the carriage at the very moment when the Inspector wished to make Mr. Macdonald leave it. Mr. Macdonald, notwithstanding, pulled his brother-in-law in, giving the Inspector a blow with his fist. Thereupon some other railway officials entered the carriage by the opposite door, and removed Mr. Macdonald from it. The train having started, the Inspector of the station invited him to come into his office, where he asked him his name, and demanded the deposit of a bail of 10 thalers for the infraction of a police regulation. Mr. Macdonald rejected both demands. Having been brought before the Commissary of Police, this functionary, after having acquainted himself with the facts of the case, had him taken to the House of Detention. The next day he was examined by the Deputy of the Juge d'Instruction, on the charge of having committed an act of violence against the Inspector of the station when on duty. Mr. Macdonald disputed the fact, affirming that he had only gently moved the Inspector away when he tried to make him leave his carriage. The evidence of the Inspector was taken on oath on the 14th, and the next day Mr. Macdonald was summoned before the Tribunal of Correctional Police, which at its next sitting (of the 18th) declared him only guilty of having outraged the Inspector of the station in the exercise of his duties, and condemned him to a fine of 20 thalers, and costs. Mr. Macdonald having immediately paid this money at the bar of the Procureur, he was at once set at liberty.

These are the facts of the case. Permit me now, my Lord, to add to them a few observations suggested by the Minister of Justice.

Your complaints have a twofold object.

1. The illegality in the arrest of Mr. Macdonald and in the proceedings subsequently taken with respect to him.

2. The proceeding of the "Procureur du Roi," M. Möller, in the sitting of the Tribunal of Correctional Police of the 18th September.

Allow me, my Lord, to examine both these complaints.

Ad. 1. According to the evidence of all the witnesses, Mr. Macdonald, if he did not use violence, at least gravely offended the Inspector of the station, who, as your Lordship is no doubt aware, is in Prussia a public officer. This disregard of the position of the Inspector was the primary cause of all the inconveniences which Mr. Macdonald has undergone. If he had in the first place complied with the request which the Inspector, in his quality of Police Agent, was fully authorized to address to him, and had then laid before him his complaints against Dr. Parow and the other passengers, the matter would no doubt have been arranged according to his wishes. Instead of that, Mr. Macdonald offered resistance to the Inspector and thus compelled him to use force to have his orders respected. Afterwards, when summoned by the Inspector to deposit bail and to give his name, Mr. Macdonald absolutely refused, so that he must blame himself if he was taken before the Commissary of Police, who on his side had no doubt sufficient reasons for having him provisionally confined in a place of detention. The very day of his arrest, Mr. Macdonald was examined by the police, and the following day by the deputy of the "Juge d'Instruction." The competent authorities, therefore, fully complied with the Law of the 12th of February, 1850, relating to the guarantee of individual liberty. If the formal issue of the warrant of arrest only took place on the 15th, it was because the "Juge d'Instruction," M. de Bachofen, was momentarily absent from Bonn on the public service, and that deputies are not authorized to sign such warrants. To prevent any delay the Tribunal, by a Decree of the 15th, appointed one of its Assessors, M. de Dusseldorf, "Juge d'Instruction," in the place of M. de Bachofen, and it was he who signed the warrant of arrest. The case was thereupon tried as promptly as possible, for judgment was given on the 18th. The accused had chosen an advocate and had called witnessses for the defence, and their evidence induced the Tribunal to acquit him of the accusation of having committed an act of violence against an Agent of the Government in the exercise of his duty, and to find him only guilty of having committed an outrage against that Agent, admitting at the same time extenuating circumstances, so that Mr. Macdonald was only condemned to pay a small fine. The accused might, from the time of his arrest, have demanded to be provisionally released on bail; there would have been no obstacle to his demand being then granted. If other witnesses, and particularly Dr. Parow, who was absent at the time, were not examined in the case, it was because it was not wished to prolong the arrest of Mr. Macdonald; and certainly he has no reason to complain of it, as the examination of other witnesses (to judge by the declarations which they have since made publicly) would perhaps not have allowed the Tribunal to throw out the graver charge of resistance by open force, and designate Mr. Macdonald's act as only a simple outrage, an offence which involves a smaller penalty.

Ad. 2. The second report mentioned above refers mainly to the proceeding of the "Procureur du Roi," M. Möller, in the sitting of the Correctional Police, before which Mr. Macdonald had been summoned, a proceeding against which some English residents at Bonn have thought it right to protest in the public prints. When requested by his superior, the Chief "Procureur" at Bonn, M. d'Ammon, to justify himself, M. Möller declared that he did not exactly remember the terms which he made use of in his unpremeditated reply to the speech of the advocate of the accused; but that if he had thought it right on that occasion to blame the conduct of certain Englishmen residing or travelling in Prussia, he had been far from wishing to make this reproach a general one, or to extend it to the whole of the English nation. I think it right to add that in his report to the Minister of Justice, M. d'Ammon pays a tribute to the character of M. Möller, not doubting that everything which he states in his declaration is the exact truth.

Thus the assertions of the English at Bonn are in direct contradiction with those of the "Procureur du Roi." However it may be, the King's Government wishes to neglect no means of ascertaining the truth. The

Minister of Justice has, in consequence, determined to institute a disciplinary inquiry into M. Möller's conduct in conformity with § 23 of the Law of July 21, 1852, and to name as Government Commissioner a Councillor of the Court of Appeal at Cologne. The result of this inquiry shall be brought to your knowledge, my Lord. In the meantime, I beg you to believe that the same impartiality and the same principles of justice with which the King's Government wish to be inspired in all their acts supply them also with an invariable rule of conduct, when they have to decide on complaints brought against their own officials. If the inquiry proves that M. Möller has acted in a manner contrary to his duty, he will undergo the penalty prescribed by law. But on the other hand, you will agree with me, my Lord, that such an inquiry alone, and not newspaper articles or any other demonstrations whatever, can serve to prove whether or no there exists any reason to reproach M. Möller with having failed in his duties.

Receive, &c.
(Signed) SCHLEINITZ.

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No. 18.

*Lord J. Russell to Lord Bloomfield.*

My Lord, *Coblentz, October* 12, 1860.

I HAVE received from your Lordship and have laid before the Queen your Lordship's despatch of the 9th instant, containing a note from Baron Schleinitz to your Lordship, respecting the affair of Captain Macdonald. But as Baron Schleinitz refers in that note to an inquiry now going on respecting the conduct of M. Möller, an inquiry which has been instituted by the Prussian Government, I shall wait the results of that inquiry, and not comment at present on the very inconclusive arguments and incomplete statements contained in that note of Baron Schleinitz.

I am, &c.
(Signed) J. RUSSELL.

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No. 19.

*Lord Bloomfield to Lord J. Russell.*—(*Received October* 17.)

My Lord, *Berlin, October* 15, 1860.

I HAVE the honour to inclose herewith to your Lordship, the translation of a paragraph in the "Preussische Zeitung," containing Dr. Parow's account of what took place between himself and Captain Macdonald at the railway station at Bonn, on the 12th of September, which account appears to have been sent to the "Times," but not to have been inserted in that paper.

I have, &c.
(Signed) BLOOMFIELD.

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Inclosure in No. 19.

*Extract from the "Preussische Zeitung."*

(Translation.) *Berlin, October* 13, 1860.

WE have already mentioned that Dr. Parow had written a letter to the "Times," in which he offered a rectification, as far as he was concerned, of the the unjust and insulting statements touching the Macdonald affair. The "Times" has not acknowledged this letter, and thereby shows that it will not hear both sides. Dr. Parow has communicated this letter to the "Elberfelder Zeitung," and we take from the latter the following account of the oft-mentioned occurrence:—

"On the afternoon of the 14th of September, I went with my wife to the station here, in order to go to Aix-la-Chapelle. We found all the carriages occupied, whilst only four persons were in the one to which we came. We were

on the point of getting in here, when an Englishman, who happened to be inside, and who was afterwards pointed out to me as being Captain Macdonald, told us that the seats were engaged, so we stepped back to look for another carriage. Just at this moment, however, was heard the cry 'Ready,' which gives notice of the departure of the train, and we were requested by the guard to get into the above-mentioned carriage, in which, as he assured me, there was still sufficient room. I therefore got in immediately, and gave my hand to my wife, telling her to follow quickly. The moment, however, that she appeared at the door of the carriage, Captain Macdonald grasped her shoulders with both hands and endeavoured to push her out. This violent assault on my wife naturally excited me not a little, and I pulled the aggressor back, using terms that were not exactly flattering to him. I spoke German, although I both understand and speak English, because I was too much enraged at the conduct of the Englishman to be able to express myself in a foreign language. At the same time I called on the Inspector of the station, who came up at this moment, to protect us against Captain Macdonald's violent assault, and to show either me or Captain Macdonald, who, in the meantime had laid hands on another passenger, to another carriage. This is the occurrence, as far as I had anything to do with it; and everything in the above-mentioned letter from the anonymous 'Observer' so far as it contradicts this statement is totally untrue. A friendly negotiation about the seats could not take place between Captain Macdonald and myself after the former had, on our entrance, preferred to make so violent an assault on my wife; for he by no means, as the anonymous 'Observer' erroneously maintains, 'laid his hand on Dr. Parow's shoulder in a friendly, or quite civil manner.' The Station Inspector did everything in his power to settle the affair, and behaved himself in the most quiet and reserved way, until Captain Macdonald gave him a most violent blow on the chest with both fists."

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No. 20.

*Lord Bloomfield to Lord J. Russell.—(Received October 22.)*

My Lord, *Berlin, October* 18, 1860.

AT an interview which I have lately had with Baron Schleinitz, I read to his Excellency your Lordship's despatch dated Coblentz, October 12, respecting the affair of Captain Macdonald, in which your Lordship states, that as an inquiry has been instituted by the Prussian Government into the conduct of M. Möller, you will wait the results of that inquiry, and not offer any comments at the present moment on the inconclusive and incomplete statements contained in Baron Schleinitz's note.

His Excellency asked if I intended to leave this despatch with him, and I replied that I was not instructed to do so, and that I had read it in order that he might not be in error as to the impressions that had been produced on Her Majesty's Government by his communications. He replied that he must take a note of the observations contained in this despatch, for he could not allow them to pass unanswered.

I have, &c.

(Signed) BLOOMFIELD.

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No. 21.

*Lord Bloomfield to Lord J. Russell.—(Received October 22.)*

My Lord, *Berlin, October* 20, 1860.

IN Baron Schleinitz's note to me of the 9th instant on the Macdonald affair, a copy of which was forwarded to your Lordship in my despatch of the same date, it is stated that the Law enacted in 1850 for the protection of personal liberty had been adhered to, and I therefore deem it right to inclose for the information of Her Majesty's Government a copy of that Law, and a translation of those paragraphs which are applicable to the case in point.

I have, &c.

(Signed) BLOOMFIELD.

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Inclosure in No. 21.

*Prussian Law of February* 12, 1850, *for the Protection of the Freedom of the Person.*

(Translation.)

1. THE detention of a person can only be authorized by written warrant of a Magistrate, describing distinctly the nature of the charge and the accused.

2. The provisional arrest and detention of a person may take place without a judicial warrant:—

1st. If the person is caught in the act of a penal offence, or pursued immediately afterwards.

2nd. If, even later, circumstances occur which rendered the person strongly suspected of being the originator or sharer of a penal offence, and of contemplating flight.

3. The police authorities, and other officers to whom the duty falls according to the existing laws, are empowered to exercise a watch over crimes and offences for the purpose of the foregoing arrest and detention, as also are the guard, but these last only under the circumstances described in the first paragraph of Article 1.

If, under these circumstances, the offender absconds, or his intention to abscond is strongly suspected, or there is evident reason to suppose that it will not be otherwise be possible to prove the identity of the person, then every private person is empowered to arrest the offender.

The arrested person must immediately be brought before one of the above-mentioned officers, in compliance with the regulations regarding provisional detention, or before an authority of the watch.

4. In every case of arrest, it is requisite to bring the accused before the Magistrate who has issued the warrant for such arrest. Every one who is provisionally arrested, must be set at liberty at latest in the course of the following day, or else the forms necessary for bringing him before the State Prosecutor at the proper tribunal must be complied with. The State Prosecutor must either allow an immediate release, or else without delay invite the tribunal to give judgment upon the arrest. If any one is provisionally arrested beyond the limits of the district of the tribunal, he can demand to be brought immediately before the State Procurator of the district in which he was arrested. This latter is then empowered to release the prisoner, in the case only of his proving that his arrest was caused by a misunderstanding, otherwise he is subject to be tried before the State Prosecutor of the proper tribunal.

5. Every one who is arrested provisionally or otherwise, must at latest in the course of the day following his being brought before the proper Magistrate, be so examined, that he may be made acquainted with the facts of the charge, and may be given opportunity to explain any misunderstanding.

6. The officers, authorities, and guard, mentioned in Article 3, are empowered to take persons into police charge, if the protection of such person, or the maintenance of public morality, safety, and peace, urgently require this measure. Still the persons taken into police charge, must nevertheless, at latest in the course of the following day, either be set at liberty, or the necessary steps must be taken to give them over to the competent authorities.

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No. 22.

*Lord Bloomfield to Lord J. Russell.—(Received October* 22.)

My Lord, *Berlin, October* 20, 1860.

CAPTAIN MACDONALD having forwarded to Her Majesty's Mission a declaration made by him before a Magistrate on the subject of the late occurrence at Bonn, with the request that it might be made generally known, I have caused a copy and translation of it to be sent to the "National Zeitung" and to the "Neue Preussische Zeitung."

It appeared in the former paper this morning, and I have the honour to

inclose an extract from the journal for your Lordship's information. It will appear this evening in the other paper.

I have, &c.
(Signed) BLOOMFIELD.

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Inclosure in No. 22.

*Extract from the "National Zeitung" of October* 20, 1860.

CAPTAIN MACDONALD having seen in the German newspapers several erroneous accounts of the occurrence at the Railway Station at Bonn, on the 12th of September last, has made the following declaration on oath before a Magistrate, the truth of which is also attested by his sister-in-law, who was an eye-witness to the transaction ;—

*Document.*

Appeared personally before me, Colonel John Paine, of Patcham Place, Patcham, Sussex, Justice of the Peace for the county of Sussex, Captain George Varnham Macdonald, of Preston Place, Preston, Sussex, and of St. James Palace, London, late a Captain in Her Britannic Majesty's 19th Regiment, and at present Exon of Her Majesty's Royal Body Guard, and declared on oath as follows :—

"As I hear there are many letters in circulation in the German papers, containing false statements of the affair in which I was engaged on the 12th of September, 1860, at Bonn, I am anxious to make the following declaration on oath before a Magistrate, that the truth may be known.

"On Wednesday, 12th of September, 1860, I was travelling from Mayence to Cologne with my sister-in-law, her husband, nurse and child. At Bonn the gentleman, nurse and child alighted to obtain refreshment, leaving me to keep their places. Some people came and filled the carriage, excepting the seats belonging to my party, on which things were left, showing that they were occupied. When Dr. Parow and his wife came in and took the two seats belonging to my party, in spite of my telling them the seats were engaged, and, in order that there should be no misunderstanding, making my sister explain it to them in German, which she speaks perfectly, I called for the Railway Official, and told him the seats were engaged, on which Dr. Parow became most insolent in his manner. Seeing the rest of my party come up, I placed my hand on his shoulder, saying, he must move, when the Railway Official (who most unaccountably seemed to take the Doctor's part) came up to the carriage and saying, 'Out with the fellow!' advanced to pull me out. I naturally resisted this injustice, and thrust him back, on which several men, who had entered the carriage by the opposite door, seized me, lifted me up and threw me out of the carriage.

"I hear that I am accused of laying hold of Dr. Parow's wife ; I swear I did not touch her, or hit, or offer to hit anybody. I was particularly anxious that the journey should be made as free from excitement as possible, as my sister was ill, and I wished her kept as quiet as possible.

(L.S.) (Signed) "G. V. MACDONALD,
"*Late Captain* 19*th Regiment, Exon Royal Body Guard.*"

Also appeared personally before me, Jessie Kuhe, of 79, Lansdowne Place, Brighton, Sussex, and declared on oath as follows :—

"I am the said sister-in-law of Captain George Varnham Macdonald, and was present during the whole of the above transaction, which I have read, and swear to its entire truth.

(Signed) "JESSIE KUHE."

Sworn before me, signed and sealed, and delivered this 11th day of October, 1860.

(L.S.) (Signed) JOHN PAINE,
*Magistrate for Sussex.*

This document has been forwarded to the British Legation at Berlin for the information of an impartial public.

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No. 23.

*Lord Bloomfield to Lord J. Russell.*—(*Received October* 22.)

My Lord, *Berlin, October* 20, 1860.

MR. MORIER, upon his return from Bonn, having reported to me that it was considered by the counsel employed in the case of the English protest of considerable importance that the witnesses for the defence should, equally with the accused, be submitted to the preliminary examination conducted before the Juge d'Instruction (named in this case "Untersuchungs-Richter"), I took occasion yesterday, whilst calling on Baron Schleinitz, to represent this fact to him, and his Excellency, having asked me to draw up my statement on paper in order to refresh his memory, I forwarded to him, in the course of the afternoon, the "Pro Memoriâ" of which the inclosed is a copy.

I was averse to putting this request in a more official form than that thus adopted, from the fear of appearing to be meddling directly with the details of a legal proceeding actually in course of progress before a Court of Law; but, on the other hand, I could not but make an effort to get a decision rescinded (it was originally settled that the witnesses for the defence should be examined before the Juge d'Instruction, and only within the last few days a counter-order, as I understand, from higher authority, ruled it otherwise) which bears so unfavourably upon the interests of the accused.

The reason of this is obvious. In this preliminary examination the depositions are taken down in writing and reduced to protocol, forming thereby a substantial and definite body of evidence upon which the trial itself proceeds. At the trial the witnesses are examined *vivâ voce* only, and their depositions are not taken down. It is evident that if the depositions of the accused, which must more or less tell against them, are alone brought in as written evidence before the Court, whilst those of the witnesses in their favour are not, the whole trial must necessarily move upon a one-sided and *ex parte* statement.

Under these circumstances, I took the step above described, which I hope will meet with your Lordship's approbation.

I have, &c.

(Signed) BLOOMFIELD.

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Inclosure in No. 23.

*Pro Memoriâ.*

IN the proceedings now pending at Bonn, in reference to the English protest in the Macdonald case, it is of the greatest importance that the witnesses for the defence should, equally with the accused, be examined before the Untersuchungs-Richter previously to the trial, because in this preliminary examination only, and not upon the trial, the depositions of witnesses are taken down in writing and reduced to protocol.

It was originally intended that the witnesses for the defence should be examined, but within the last few days an order from a higher authority has ruled otherwise, and the accused only are being examined, their witnesses not. The case for the defence is thereby manifestly placed at a considerable disadvantage, and, for a fair trial, it is of the utmost consequence that the new order in the matter should be revoked, and the original intention carried out, *i. e.*, that the depositions of the witnesses for the defence should be reduced to protocol before the Untersuchungs-Richter, and become available at the trial in the same way as the protocolized depositions of the accused parties themselves.

There seems to be little doubt entertained by the persons competent to judge, that if this course were followed, the facts elicited would establish so strong a case against M. Möller as would ensure the acquittal of the accused.

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No. 24.

*Lord Bloomfield to Lord J. Russell.*—(*Received October* 29.)

My Lord, *Berlin, October* 27, 1860.

WITH reference to my despatch of the 2nd instant, in which a note was inclosed requesting Baron Schleinitz to obtain the necessary authority for a competent person to be permitted to take notes during the approaching trial of British subjects for libel at Bonn, I have now the honour to forward to your Lordship copy of the reply which I have this day received from his Excellency.

It appears from this communication that the intention of Mr. Consul Crossthwaite to have a full report taken down of the coming trial is not contrary to the laws of Prussia.

I have, &c.
(Signed) BLOOMFIELD.

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Inclosure in No. 24.

*Baron Schleinitz to Lord Bloomfield.*

My Lord, *Berlin, le* 26 *Octobre*, 1860.

DANS votre office du 3 de ce mois vous avez réclamé mon entremise l'effet de faire obtenir au Consul de Sa Majesté Britannique à Cologne l'autorisation de faire prendre, par une personne de confiance, des notes dans les audiences publiques de la procédure qui va avoir lieu à Bonn contre quelques Anglais accusés de calomnie contre le Procureur du Roi, M. Möller.

M'étant adressé, en conséquence, à M. le Ministre de la Justice, celui-ci vient de m'informer que si M. Crossthwaite craint qu'il ne soit pas permis à la dite personne de prendre de pareilles notes, cette appréhension n'est nullement fondée. En effet, il n'existe en Prusse aucune disposition législative qui défend à qui que ce soit de suivre, la plume à la main, les débats d'un procès instruit publiquement. Aussi on ignore absolument à Bonn ce qui a pu porter M. Crossthwaite à croire qu'on lui contesterait à lui-même ou à son délégué un droit que tout autre auditeur dans une séance publique peut exercer.

Je vous prie donc, Milord, de vouloir bien donner l'assurance au Consul Britannique à Bonn que son intention de faire prendre des notes du procès dont il s'agit n'est nullement contraire à la législation Prussienne, et qu'aucun employé ne l'empêchera de la remplir.

Recevez, &c.
(Signé) SCHLEINITZ.

(Translation.)

My Lord, *Berlin, October* 26, 1860.

IN your communication of the 3rd instant, you requested my intervention in order to enable Her Britannic Majesty's Consul at Cologne to have notes taken by a confidential person at the public hearing of the proceedings about to be taken against certain Englishmen who are accused of calumniating the Procureur du Roi, M. Möller.

Having, in consequence, addressed an inquiry to the Minister of Justice, he has just informed me that if Mr. Crossthwaite is afraid that the person in question will not be allowed to take such notes, this apprehension is entirely unfounded. In fact there exists in Prussia no legislative enactment which forbids any person whatever to follow, pen in hand, the discussion of a public trial. They are entirely ignorant, therefore, at Bonn, as to what can have induced Mr. Crossthwaite to think that the right which every other person present at a public trial may exercise should be denied to him or to his deputy.

I beg you, therefore, my Lord, to be good enough to assure the British Consul at Bonn that his intention of having notes taken of the trial in question is in no way contrary to the Prussian law, and that no official will prevent his carrying it out.

Receive, &c.
(Signed) SCHLEINITZ.

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No. 25.

*Lord Bloomfield to Lord J. Russell.—(Received October 29.)*

My Lord, *Berlin, October 27, 1860.*

I HAVE the honour to inclose, for your Lordship's information, an extract of a report which Mr. Consul Crossthwaite has made to me, detailing his preliminary examination as a witness in the approaching trial for libel at Bonn.

I have, &c.
(Signed) BLOOMFIELD.

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Inclosure in No. 25.

*Consul Crossthwaite to Lord Bloomfield.*

(Extract.) *Cologne, October 23, 1860.*

I HAVE the honour to report to your Lordship that I received a summons yesterday to attend, before the Royal Examining Judge Pelmann, as witness in the "Disciplinar-Untersuchung" against the State Procurator Möller.

After being sworn, I was requested to confine my statements to the points connected with the speech at the trial. It was my wish to make a declaration of what took place during my interview with M. Möller on Friday the 14th ultimo.

The only fact which was deemed worthy of being noted was, that I had offered bail for Macdonald, and that Möller had refused to accede to my wishes. The other points referred to in my several despatches were considered as in no way implicating Möller, the Judge pointing out to me that the particular sentence, "dann wollen wir es darauf ankommen lassen," merely signified that the State Procurator would not be induced to swerve from his duty, neither by the rank nor by any influence whatsoever of the prisoner.

The Judge then called my attention to the protest in the "Bonn Gazette." I refused, however, to be examined on any points referring to the same; but I was called upon to declare whether I heard Möller say "bewohnter" (or "wohnenden") in the course of his speech, to which I was under the necessity of replying "that I could not recollect;" and as I had written down that portion of Möller's speech very shortly after leaving the Court, and had compared what I had written down with the memorandum made by Dr. Schöller during the delivery of the said speech, the word "bewohnter" I find is not alluded to, nor have I any recollection that Möller made use of the word.

The apparent importance assigned to this word "bewohnter" or "wohnenden" during my examination, leads me to infer that great stress will be laid upon my declaring that "I do not remember Möller to have used the word," and probably this will be turned to Möller's advantage, and to the disadvantage of our countrymen. Nevertheless, I do not see the benefit likely to be derived from the expunction of a word which is not to be found in any charge that I have made against the State Procurator Möller. He certainly has a loophole for escape from the accusation of calumniating all Englishmen, since he qualifies his assertion by "at least those who travel on the Continent;" but, as very many English travel on the Continent, the accusation embraces a wide field.

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No. 26.

*Lord Bloomfield to Lord J. Russell.—(Received November 5.)*

My Lord, *Berlin, November 3, 1860.*

WITH reference to my despatch of the 20th ultimo, in which I inclosed for your Lordship's information the copy of a "Pro Memoriâ" which I had left with Baron Schleinitz, suggesting that the witnesses for the defence in the trial for libel at Bonn should, equally with the accused, be submitted to the preliminary examination then going on before the Juge d'Instruction. I have now the honour to inclose the copy of a note which his Excellency has addressed to me on that subject.

In this note Baron Schleinitz informs me that the Minister of Justice had intended, in accordance with the requirements of section 159 of the Penal Code, to suspend the proceedings against the English until the disciplinary investigation into M. Möller's conduct had been brought to a termination. It having, however, been inferred, so his Excellency proceeds to state, from the "Pro Memoriâ" left with him, that it was the wish of the parties concerned that the proceedings should not be suspended, but that the trial should be proceeded with, the Minister of Justice had decided, in order to afford to the parties concerned every facility in his power, that such witnesses for the defence as had not already been examined, should be so examined before M. Pelmann, the Government Commissary charged with the disciplinary inquiry into M. Möller's conduct.

I would, with reference to the foregoing, observe to your Lordship, that this is the first information that has reached me of the intention on the part of the judicial authorities to suspend (in accordance with section 159 of the Penal Code) the trial of the Englishmen charged with libel, until after the close of the inquiry instituted by the Government with reference to the conduct of M. Möller. Far from having any reason to suppose that such would be the case, I had Baron Schleinitz's distinct statement reported in my despatch of the 29th of September, to the effect that the paragraph in question was inapplicable to the present case.

The statement I unofficially made to Baron Schleinitz, and which I subsequently embodied in the "Pro Memoriâ," above referred to, was based upon a very strong expression of opinion on the part of the Advocate Schöler, at Bonn, to the effect that the not taking down in the preliminary proceedings before the Juge d'Instruction of the evidence of the witnesses for the defence equally with that of the accused parties themselves, would very seriously affect the interests of the latter.

At the time that this opinion was expressed (on the 18th ultimo) it was not known at Bonn that the proceedings against the gentlemen involved in this action had been or were likely to be suspended. Nor can I conceive that it can be deduced from the wording of the "Pro Memoriâ" that I was aware of this fact, and that I expressed on behalf of the accused the wish that these proceedings should not be suspended.

In acknowledging the receipt of M. de Schleinitz's note, therefore, I guarded against this misconception, as your Lordship will perceive from the inclosed note which I have this day addressed to his Excellency.

In conclusion, I would remark that the providing for the examination before the Government Commissary of such witnesses for the defence as have not yet been examined, seems to indicate on the part of the Government a wish to act fairly by the accused.

I have, &c.
(Signed) BLOOMFIELD.

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Inclosure 1 in No. 26.

*Baron Schleinitz to Lord Bloomfield.*

Milord, *Berlin, October 31, 1860.*

EN vous accusant réception du mémoire que vous avez bien voulu m'adresser le 19 de ce mois relativement au procès qui s'instruit en ce moment

à Bonn contre les Anglais signataires de la protestation dans l'affaire de Mr. Macdonald, sous la prévention d'avoir calomnié le Procureur du Roi, M. Möller, j'ai l'honneur de vous communiquer ci-dessous un aperçu des termes où se trouve actuellement ce procès.

Les prévenus affirment qu'ils n'ont dit que la vérité. La preuve de l'exactitude des faits allégués par eux serait d'une grande importance dans l'esprit des Juges qui auront à connaître de cette affaire. Comme toutefois les dits faits seraient autant d'actions blâmables de M. Möller, et que le Gouvernement a ordonné déjà une enquête disciplinaire pour ces actions mêmes, M. le Ministre de la Justice avait voulu, que conformément au § 159 du Code Pénal il fut sursis à l'information contre les Anglais signataires de la susdite protestation, jusqu'à la clôture de l'enquête contre M. Möller.

Il parait cependant, d'après le contenu du mémoire susmentionné, que cette disposition, prise dans l'intérêt même des prévenus, ne leur convient pas; qu'ils aiment mieux que les témoins proposés par eux soient entendus sur-le-champ et qu'un procès-verbal soit dressé de leurs dépositions.

Pour satisfaire à cette demande, M. le Ministre de la Justice vient d'ordonner, que pour le cas où dans l'entre-temps l'audition des témoins n'aurait pas eu lieu déjà, leurs dépositions soient recueillies dans le cours de l'enquête disciplinaire contre M. Möller par le Commissaire du Gouvernement, M. Pelmann, Conseiller à la Cour d'Appel de Cologne.

Cette décision vous procurera de nouveau la preuve, Milord, que le Gouvernement du Roi fait tout ce qui dépend de lui pour constater la vérité, et que, jaloux d'accorder aux Anglais intéressés dans cette affaire toute la protection que les lois du pays leur assurent, il n'hésite pas à se prêter à leurs désirs, autant que ces lois le permettent.

Je profite, &c.
(Signed) SCHLEINITZ.

(Translation.)

My Lord, *Berlin, October* 31, 1860.

IN acknowledging the communication which you were good enough to address to me on the 19th instant, relative to the action now pending at Bonn against the Englishmen who signed the protest in the affair of Mr. Macdonald, on the charge of having calumniated the Procureur du Roi, M. Möller, I have the honour to communicate to you herewith a sketch of the present state of this action.

The accused assert that they only spoke the truth. The proof of the truth of the facts alleged by them would be of great importance in the estimation of the Judges who will have to take cognisance of this affair. As, however, the said facts would be so many blameable acts on the part of M. Möller, and as the Government has already ordered a disciplinary inquiry into these very acts, the Minister of Justice had wished that, in conformity with § 159 of the Penal Code, the proceedings against the Englishmen who signed the above-mentioned protest should be suspended until the close of the inquiry into M. Möller's conduct.

It appears, however, according to the contents of the above-mentioned communication, that this arrangement, which was proposed in the interest of the accused persons, does not suit them; that they prefer that the witnesses selected by them should be heard at once, and that a *procès-verbal* of their depositions should be drawn up.

In order to meet this demand, the Minister of Justice has given directions that, in case the examination of the witnesses should not have taken place in the meantime, their depositions should be taken in the course of the disciplinary inquiry into M. Möller's conduct by the Government Commissary, M. Pelmann, Counsellor of the Court of Appeal of Cologne.

This decision will furnish you with a new proof, my Lord, that the King's Government are doing all that depends upon them to establish the truth, and that eager to give the Englishmen interested in this affair all the protection which the laws of the country secure to them, they do not hesitate to lend themselves to their wishes so far as the laws permit.

I profit, &c.
(Signed) SCHLEINITZ.

Inclosure 2 in No. 26.

*Lord Bloomfield to Baron Schleinitz.*

M. le Baron, *Berlin, November* 2, 1860.

IN acknowledging the receipt of your Excellency's note of the 31st of October, I am desirous to guard against a misconception of the meaning which I intended to convey when communicating to your Excellency the "Pro Memoriâ" of the 19th ultimo, to which allusion is made in your present note.

The misconception I allude to is that of supposing that at the time I made this communication I was aware of the determination of the Minister of Justice to suspend the proceedings against the Englishmen involved in the libel case at Bonn until after the conclusion of the disciplinary inquiry into the conduct of M. Möller, or that I expressed the wish on the part of the parties concerned, that this suspension of the proceedings should be waived and the trial proceeded with.

I was, on the contrary, wholly ignorant, until the receipt of your Excellency's note of the 31st, that such was the intention of his Excellency the Minister of Justice, for at the early stage of these proceedings, when I advocated the application of section 159 of the Penal Code, in conformity with which it now seems that it was intended to suspend the inquiry, I was given to understand by your Excellency that, in the opinion of the Minister of Justice, the paragraph in question was at that moment inapplicable to the case.

When I called your Excellency's attention on the 19th instant to the importance of the witnesses for the defence being, equally with the accused, submitted to the preliminary examinations then going on before the Juge d'Instruction, I did so in consequence of a strongly expressed legal opinion, to the effect that this mode of procedure was of vital importance to the accused. This opinion, however, was given under the impression that the preliminaries of the trial were going actively forward, and that no suspension in virtue of section 159 was likely to take place.

I cannot conclude without expressing the satisfaction I experience at the assurances contained in your Excellency's note, of the desire felt by the Government to do all in their power to secure to my countrymen involved in this affair all the advantages which the laws admit of.

I have, &c.
(Signed) BLOOMFIELD.

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No. 27.

*Lord Bloomfield to Lord J. Russell.*—(*Received November* 5.)

My Lord, *Berlin, November* 3, 1860.

I HAVE the honour to inclose herewith, for your Lordship's information, a translation of a letter which has been addressed to the "National Zeitung" by Dr. Parow, on the subject of his altercation with Captain Macdonald at Bonn.

I have, &c.
(Signed) BLOOMFIELD.

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Inclosure in No. 27.

*Extract from the "National Zeitung" of October* 29, 1860.

(Translation.)

IN reply to the declaration made by Captain Macdonald before the Magistrate, which appeared in No. 493 of our journal, Dr. Parow sends to us the following counter-statement:—

"*Bonn, October* 27, 1860.

"Mr. Editor,—You are aware that the 'Times' has thought fit to suppress the publication of a letter from me containing my defence against the libellous attacks directed against me by that journal.

"All other English periodicals appear to be equally slow in throwing open their columns to my defence. The whole British nation appears to offer the opposition of a closed phalanx to the foreigner who becomes involved in a quarrel with one of its members, and it seems self-evident that in this case truth and justice must be set aside altogether.

"Nothing now remains for me but to place myself under the protection of the German press. I must therefore request you to make public in your journal the following account of the whole transaction at the railway station, now given as it was, only more or less perfectly, in the letter which was suppressed by the 'Times,' and subsequently reduced to protocol, on oath, before the Landgerichtsrath Nacken, on the 12th of October, and before the Counsellor of the Court of Appeal, Pelmann, on the 23rd.

"On the 12th of September I, together with my wife, repaired to the railway station of this place, to travel to Aix-la-Chapelle. We found all the compartments full, and in one, towards which we directed our steps, there were only four persons; when, however, on attempting to enter, we were told by an Englishman, who was inside, and who was afterwards pointed out to us as Captain Macdonald, that the seats in it were engaged, we turned away to seek another compartment. At that moment, however, the call 'ready,' announcing the departure of the train, sounded, and we were desired to enter the above-named carriage as quickly as possible by the guard, who assured us there was still sufficient room.*

"I therefore immediately got in, and stretched out my hand to my wife, telling her to follow me quickly. At the moment, however, that she appeared at the door of the carriage Captain Macdonald seized her shoulders with both hands and endeavoured to force her out.

"This violent assault on my wife, naturally enough, excited me not a little, and I protested in no very flattering terms against the violence of the assailant.

"I spoke in German, although I understand and speak English, for I was too indignant at the conduct of the Englishman to be able to express myself at that moment in a foreign tongue.

"The expressions of which I made use were, 'Sir, how can you venture to touch a lady?' And then, when the Englishman remarked that he did not understand German, I added, 'Yes, I know that already. When Englishmen indulge in blackguard behaviour, they generally say that they do not understand German.' At the same time I requested the Station-master, who was then approaching, to defend us against the violent assaults of Captain Macdonald, and to show either him or myself another seat. That I said at the same time, 'Out with the insolent blackguard,' as is asserted, is possible, although I do not recollect having done so.

"Captain Macdonald did not touch my shoulders, but only those of my wife; a friendly negotiation between him and me could not take place, as he had, on our entrance, preferred to make so violent an assault on my wife. The empty seats in the carriage were so covered by the Englishman's travelling effects that they certainly might all appear to be reserved, and I was obliged to push them aside in order to gain room.

"I feel compelled, in conclusion, to draw especial notice to the fact, that the Railway Inspector, although he was urged, both by my complaint and also by that of Mr. Buchholtz of Burscheid, to take severe measures against the Englishman, yet behaved with the greatest forbearance towards him, and did all that lay in his power to settle the business in a peaceable manner, until a very violent blow was given him on the chest with both fists by Captain Macdonald.

"This was the occurrence, as far as I was concerned in it.

"It now appears to have been a very unfortunate omission that neither I

* "This was also in fact the case; as, even counting myself and my wife, and the suite of Captain Macdonald, then not visible, only eight persons and a child would have occupied the carriage, whereas the second class carriages of the Rhenish Railway are constructed to carry ten persons."

nor my wife were called as witnesses in the trial against Captain Macdonald, for since Captain Macdonald was standing upright in the carriage during the whole scene, and my wife next to him in the carriage-door, and then the Railway Inspector in her place immediately afterwards, it was impossible for any persons except those who were included in this narrow space to watch the occurrence; so that the Railway Inspector, my wife, and myself, were the only witnesses who were in a condition to give any evidence on the subject.

"Instead, however, of ourselves being called, other witnesses were summoned by the defender of the accused, who could only afford very faulty information, and the Railway Inspector alone could give evidence of what occurred after his arrival, so that the whole affair was placed in a false light.

"We were not summoned, although we declared ourselves ready to give evidence. The reason of this was, as I have been credibly informed, owing to the well-meant intention of screening the accused foreigner, and for fear that by a more extended examination of witnesses the case against him might have been prolonged to his disadvantage.

"This circumstance is all the more to be lamented, as it has given rise to so false a representation, and been made use of in a manner so totally opposed to the truth in the case."

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No. 28.

*Lord Bloomfield to Lord J. Russell.—(Received November 5.)*

My Lord, *Berlin, November 3, 1860.*

WITH reference to my despatch of the 9th ultimo, I have now the honour to forward the copy of a further note which I have received from Baron Schleinitz on the affair of Captain Macdonald, in which his Excellency incloses various documents, of which copies and translations are herewith transmitted for your Lordship's information.

Baron Schleinitz likewise offers some explanation as to the contents of his inclosures, and attempts to refute two of the points in my note to his Excellency of the 21st September, upon which I had laid particular stress as tending to prove the malevolent spirit by which the whole affair had been signalized.

I had, in the first place, complained that Captain Macdonald, when put upon his trial, had been supplied with an interpreter who appeared ignorant of the English language. This Baron Schleinitz denies, remarking that the individual in question had resided a long time at New York, and had studied for a year under an English lawyer. The second part to which his Excellency refers, is a passage in my note in which Captain Macdonald is represented as having been incarcerated and treated like a felon. This statement, Baron Schleinitz rejoins, is not accurate, for he was conducted upon his arrival at the prison into a "separate and suitable apartment," and moreover was permitted to pass the day in the Governor's own room, being remanded to his private apartment for the night.

His food was supplied from the hotel in the town of Bonn, and it is remarked that, at the desire of the prisoner, the interior of the establishment was exhibited to him by the Governor. Baron Schleinitz then states that, in order not to prolong Captain Macdonald's detention, several witnesses who might have been brought up against him at his trial were not summoned, and his Excellency incloses copies of the evidence given by two of the witnesses, M. Buchholtz and Dr. Parow, whose entrance into the carriage was, as your Lordship will recollect, the original cause of the whole altercation.

The evidence of M. Hoffmann, the Railway Inspector, is also inclosed, and this latter individual appears to be under the impression that Her Majesty's Consul at Cologne had entirely approved of the part which he had taken throughout the affair.

Baron Schleinitz concludes by inclosing copies of two anonymous communications received by M. Möller, to which his Excellency appears to attach undue mportance; he seems, in fact, convinced that these letters emanated from an

English source, but no proof is produced in support of this opinion; they are in German, and there is no more reason for supposing that they are written by Her Majesty's subjects than by M. Möller's own countrymen.

I have, &c.

(Signed) BLOOMFIELD.

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Inclosure 1 in No. 28.

*Baron Schleinitz to Lord Bloomfield.*

Milord, *Berlin, le 29 Octobre,* 1860.

PAR ma lettre du 9 de ce mois j'ai eu l'honneur de vous faire connaître le résultat des recherches auxquelles ont donné lieu l'arrestation et le procès de M. le Capitaine Macdonald, et je me suis réservé en même temps de vous faire une communication ultérieure sur l'enquête disciplinaire que le Gouvernement a fait ouvrir contre le Procureur du Roi, M. Möller, à Bonn, pour la conduite qu'il a tenue dans l'audience du Tribunal Correctionnel du 18 Septembre dernier.

En attendant, d'autres renseignements ont encore été pris sur quelques points, qui sans doute ne sont que d'une importance secondaire, mais que vous avez pourtant relevés dans vos différents offices au Ministre du Roi. Le résultat de ces investigations n'est nullement de nature à confirmer les griefs que vous avez formulés à cet égard ainsi que vous voudrez bien le voir par les données suivantes :

1. Votre lettre du 21 Septembre contient ce passage :—

"Pour l'aider (M. Macdonald) à exposer les faits, on lui donne un interprète ignorant la langue qu'il entreprend d'interpréter." Ce fait n'est point exact.

Voici ce qui résulte à cet égard d'un rapport du Procureur Supérieur, M. de Ammon, à Bonn, du 11 de ce mois :—

Le tribunal à Bonn a ordinairement eu recours jusqu'ici à M. Mayer, avocat, pour lui servir d'interprète de la langue Anglaise. Celui-ci ayant refusé de fonctionner comme tel dans le procès de M. Macdonald, le tribunal s'était adjoint un de ses référendaires, M. Gottschalk, qui a exercé déjà dans d'autres occasions les fonctions d'interprète de la langue Anglaise. Ce jeune homme a résidé longtemps à New York, où il a travaillé pendant une année entière dans l'étude d'un avocat Anglais. Il passe pour un homme qui non seulement possède très bien la langue Anglaise en général, mais qui connaît plus particulièrement aussi les termes de palais Anglais. Le fait est confirmé par l'avocat Mayer, qui était présent dans la séance du 18 Septembre, et qui affirme que dans tout le cours des debats M. Gottschalk a montré qu'il comprenait parfaitement l'Anglais; mais que dans l'audience du 15, il lui avait paru que Gottschalk de son côté n'avait pas bien compris le Président, lorsque celui-ci le chargea de dire à l'accusé qu'il lui restait trois jours pour préparer sa défense. Après le prononcé du jugement M. Crossthwaite, Consul Britannique à Cologne, en parlant à M. Gottschalk, lui a dit aussi qu'à son avis un seul mot n'avait pas été rendu exactement par lui en Anglais. Sur l'observation du Président du tribunal qu'on reprochait à M. Macdonald, de s'être conduit d'une manière inconvenante ("unanständig") envers une dame, l'épouse du Dr. Parow, l'interprète a rendu ce mot par "indecent," qui implique en Anglais quelque-chose de contraire aux mœurs ("unsittlich," "unzüchtig"), reproche contre lequel l'accusé s'est récrié avec raison.

2. Dans leur protestation les Anglais résidant à Bonn ont prétendu que M. le Capitaine Macdonald avait été jeté dans une prison sale, et votre office du 21 Septembre, Milord, renferme sur ce point les mots suivants:

"Un sujet Anglais est incarcéré pendant six jours dans une prison, pendant lesquels il est soumis à un traitement usuel que dans le cas d'un criminel."

C'est encore une allégation dont je ne saurais admettre l'exactitude. Car il résulte des renseignements que le Procureur supérieur M. d'Ammon a pris auprès de l'Intendant de la Maison d'Arrêts, ainsi que de l'inspection qu'il a faite lui-même des localités, que M. Macdonald, à son arrivée dans la prison, a été conduit dans un appartement convenable et entièrement séparé des chambres des autres détenus. L'Intendant de la Maison était absent alors. Le lendemain le prévenu a été logé dans une chambre voisine de celle de l'Intendant, où se rassemblent

ordinairement les juges et avocats. Il est resté dans cette chambre pendant toute la journée et l'Intendant lui a tenu compagnie. Le soir il a été reconduit dans l'appartement précité et y a passé la nuit. Le propriétaire de l'hôtel, "A l'Etoile d'Or," lui a fourni sa nourriture, et à la demande expresse du prisonnier, l'Intendant lui a fait voir toute l'organisation intérieure de la maison.

3. J'ai déjà eu l'honneur de vous faire observer, Milord, dans ma lettre du 9 de ce mois, que pour ne pas prolonger davantage la détention de M. Macdonald, on avait renoncé lors de l'instruction de son procès à l'audition d'autres témoins, et que certainement le prisonnier n'avait eu aucun sujet de s'en plaindre. Vous trouverez sous ce pli, Milord, copie d'une lettre que le Sieur Buchholz, fabricant de draps à Burtscheid, et homme généralement estimé, a adressée à M. Hoffmann, Inspecteur de la Gare de Bonn, sur la conduite tenue par M. Macdonald avant qu'on ne lui eût fait quitter son coupé. J'y ajoute une copie du procès-verbal des déclarations faites sous la foi du serment par le Dr. Parow.

Si dans l'une et l'autre pièce la conduite de M. Macdonald est présentée sous un jour beaucoup moins favorable que ne l'ont fait les témoins dont les dépositions ont servi de base à l'arrêt du tribunal, je crois devoir appeler encore plus particulièrement votre attention, Milord, sur la déclaration faite sous serment par M. Hoffmann, et dont j'ai l'honneur de joindre également une copie à la présente. Cette déclaration semble porter le cachet de l'esprit d'impartialité et du calme avec lequel M. Hoffmann envisage l'affaire dont il s'agit. Selon cet employé, le conflit regrettable n'aurait eu pour cause que l'intention clairement manifestée par M. le Capitaine Macdonald de se réserver autant que possible à lui seul et à sa compagnie (en somme quatre personnes) un coupé destiné à recevoir huit et au besoin dix voyageurs. Un autre fait qui mérite d'être remarqué, c'est qu'au dire de M. Hoffmann le Consul Anglais à Cologne, M. Crossthwaite, aurait entièrement approuvé d'abord le procédé observé à l'égard de M. Macdonald.

4. L'enquête disciplinaire contre le Procureur du Roi, M. Möller, et le procès intenté aux Anglais residant à Bonn, qui ont signé la protestation précitée, sont encore pendants. Je dois donc pour ne pas préjuger la décision judiciaire, m'abstenir de toute communication sur les informations qui ont déjà été prises sous l'un et l'autre rapport. Mais je ne saurais m'empêcher, Milord, de vous exprimer les regrets que me font éprouver les moyens répréhensibles qui sont employés de différents côtés pour exciter encore davantage les passions qui ne se sont déjà que trop emparées de cette malencontreuse affaire. Cette tendance haineuse résulte entr'autres:

(*a.*) De la copie ci-jointe de l'adresse d'une lettre de Londres au Procureur du Roi, M. Möller;

(*b.*) De la feuille ci-annexée, qui formait tout le contenu d'une enveloppe cachetée, parvenue le 10 de ce mois à M. Möller.

Il ne faudrait pas s'étonner si, en présence de pareilles démonstrations, l'opinion publique tournât insensiblement du côté du magistrat qu'on attaque d'une manière aussi indigne.

Recevez, &c.
(Signé) SCHLEINITZ.

(Translation.)

My Lord, *Berlin, October* 20, 1860.

IN my letter of the 9th instant I had the honour to inform you of the result of the researches to which the arrest and trial of Captain Macdonald have given rise, and I at the same time reserved, for a further communication, the account of the disciplinary inquiry instituted by the Government into the conduct of M. Möller, the Procureur du Roi, at Bonn, in the sitting of the Correctional Tribunal of the 18th of September last.

Meanwhile other information has been obtained on some points, which undoubtedly are only of secondary importance, but which you have, nevertheless, raised in your various communications to the Minister of the King. The result of these investigations is by no means of a nature to confirm the complaints which you have made on this subject, as you will see by the following statements:—

1. Your letter of the 21st September contains this passage:—

"To make his (Captain Macdonald's) case known to his Judges, an interpreter is appointed, who turns out to be totally unacquainted with the language he is called upon to interpret." This fact is not correct. With respect to this point it appears, from the report of the Chief Procureur, M. d'Ammon, at Bonn, of the 11th instant:—

The Tribunal of Bonn has hitherto generally had recourse to M. Mayer, lawyer, to serve as interpreter of the English language. M. Mayer having refused to act in this capacity in the trial of Mr. Macdonald, the Tribunal obtained the assistance of one of its Referendaries, M. Gottschalk, who has already exercised, on other occasions, the functions of an interpreter of the English language. This young man has resided for a long time at New York, where he worked for a whole year in the office of an English lawyer. He passes for a man who has not only a very good general knowledge of the English language, but is more particularly acquainted with the English law terms. The fact is confirmed by the lawyer, Mayer, who was present at the sitting of the 18th of September, and who affirms that, in all the course of the discussions, M. Gottschalk showed that he perfectly understood English; but that in the sitting of the 15th, it had seemed to him, that Gottschalk, on the other hand, had misunderstood the President when he charged him to tell the accused that he had three days left to prepare his defence. After the sentence had been given, Mr. Crossthwaite, British Consul at Cologne, in speaking to M. Gottschalk, also told him that, in his opinion, one word only had not been exactly rendered by him in English. Upon an observation from the President of the Tribunal, that Mr. Macdonald was accused of having behaved in an unbecoming ("unanständig") manner towards a lady, the wife of Dr. Parow, the Interpreter translated this word by "indecent," which in English implies something contrary to morality ("unsittlich," "unzüchtig"), a reproach against which the accused exclaimed with reason.

2. In this protest the English residents at Bonn stated that Captain Macdonald had been thrown into a dirty prison, and your communication of the 20th September, my Lord, contains the following words on this point:—

"An English subject is incarcerated in a prison for six days, during which he is subjected to the treatment used in the case of an ordinary felon."

This is another allegation, the exactness of which I am unable to admit. For it appears from the information which the Chief Procureur, M. d'Ammon, obtained from the Superintendent of the House of Detention, as well as from an inspection which he has himself made of the place, that Mr. Macdonald, on his arrival at the prison, was conducted to a convenient apartment, entirely separated from the rooms of the other prisoners. The Superintendent of the prison was then absent. The next day the prisoner was lodged in a room next to the Superintendent's, where the Judges and Advocates generally meet. He remained in this room all day, and the Superintendent kept him company. In the evening he was taken back to the apartment before mentioned, and passed the night there. The proprietor of the hotel "A l'Etoile d'Or" supplied him with food, and, at the express desire of the prisoner, the Superintendent showed him the whole internal organization of the house.

3. I have already had the honour, my Lord, in my letter of the 9th instant, to call your attention to the fact that, in order not to prolong further the detention of Mr. Macdonald, the examination of other witnesses at the hearing of the case had been given up, and that the prisoner had certainly no reason to complain of it. You will find inclosed herewith, my Lord, a copy of a letter which Mr. Buchholtz, cloth manufacturer, at Burtscheid, and a man generally respected, addressed to M. Hoffmann, Inspector of the station at Bonn, on the conduct of Mr. Macdonald, before he was made to leave his carriage. I add a copy of the *procès-verbal* of the declarations made on oath by Dr. Parow.

If in both these documents Mr. Macdonald's conduct is represented in a much less favourable light than by the witnesses whose depositions served as a basis for the decision of the Tribunal, I think it right again to call your attention more particularly, my Lord, to the declaration made on oath by M. Hoffmann, a copy of which I have likewise the honour to inclose. This declaration seems to bear the stamp of the spirit of impartiality and moderation in which M. Hoffmann regards the affair in question. According

to this official, the lamentable conflict was caused by nothing but the evident intention of Captain Macdonald, as far as possible, to reserve for himself and his party (in all four persons) a carriage intended to hold eight or, if necessary, ten passengers. Another fact which deserves to be remarked upon is that, according to M. Hoffmann, the English Consul at Cologne, Mr. Crossthwaite, at first entirely approved the proceedings taken with regard to Mr. Macdonald.

4. The disciplinary inquiry into the conduct of the Procureur du Roi, and the action brought against the English residents at Bonn who signed the protest before mentioned, are still pending. I must, therefore, in order not to prejudge the judicial sentence, abstain from any communication as to the information which has hitherto been obtained under either of these heads. But I cannot help, my Lord, expressing to you the regret which I feel at the objectionable means taken on different sides still further to excite the passions which have already taken too completely possession of this unfortunate affair. This malevolent tendency appears among others—

(*a.*) From the annexed copy of the address of a letter from London to the Procureur du Roi, M. Möller.

(*b.*) From the inclosed paper which formed the entire contents of a sealed envelope received by M. Möller on the 10th instant.

It is not surprising if, before such demonstrations as these, public opinion should insensibly turn to the side of the Magistrate who is thus unworthily attacked.

Receive, &c.
(Signed) SCHLEINITZ.

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Inclosure 2 in No. 28.

*M. Buchholtz to M. Hoffmann.*

(Translation.) *Burtscheid, September* 27, 1860.

AS the affair of the 12th instant with the Englishman is still the subject of discussion, and as there may possibly be a closer investigation in the matter, I feel bound to declare to you that, upon the guard showing to me, and to my wife, places in the carriage in which the Englishman in question sat, I had hardly time to step in when the Englishman met me at the door of the carriage, in a boxing attitude, so that I only avoided the blows aimed at me by immediately jumping down. I lost no time in complaining of this conduct to the guard, who went and fetched you. Being in company with my wife, and obliged to occupy myself solely with looking for other places, I can give no account of what subsequently took place, but I am ready to bear witness, in a court of law, as to the improper ("ungebührlich") conduct of the Englishman towards myself, and empower you to make what use you please of this communication.

I remain, &c.
(Signed) W. BUCHHOLTZ.

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Inclosure 3 in No. 28.

*Evidence of Dr. Parow.*

(Translation.)

Done at Bonn on the 9th of October, 1860.

APPEARED before the Judge of Instruction Nacken, assisted by Secretary Lanser, the undernamed, as witness in the inquiry instituted against Anderson and others.

The same, having been sworn as witness, declared in the absence of the accused, generally as follows:—

"My name is William Parow; I am forty-three years of age, and act as Doctor of Medicine at Bonn."

Then specially to the matter in hand as follows:—

"On the 12th of September of this year, at 4 o'clock P.M., I and my wife

were at the station of this town in order to go to Cologne. After we had been, in vain, to several carriages to look for places, we at last found one in which were four persons only, and which we endeavoured to enter.

"One of these four persons who, as it afterwards turned out, was the Englishman Macdonald, gave me to understand that the compartment was engaged. At this moment was suddenly heard the cry, 'ready;' a guard came up and made us get into the carriage, declaring that there was still sufficient room. I got in first, and my wife was likewise about to get in, when both her shoulders were seized by Macdonald.

"Upon my exclaiming how he dared to treat a lady thus, which exclamation I uttered in German, Macdonald replied in English that he did not understand German. Almost immediately afterwards, the Superintendent of the station, Hoffmann, stepped up, and I begged him to protect me and my wife from the English traveller, who had attacked my wife. I declared it was impossible to depart in the company of this traveller, and I begged the Inspector to show either me or the Englishman another carriage, otherwise I should hold him (the Inspector) responsible.

"At this moment a brother-in-law of the Englishman, and a servant-maid with a child, came up in order to get into our compartment; these were the two persons, as I understood, for whom Macdonald wanted to reserve all the rest of the carriage. Macdonald's pretended brother-in-law, together with the maid and child, got in without further delay. Hoffmann endeavoured to get Macdonald's travelling companions out in the quietest and most unexcited way. This, as was afterwards plain to me, was done in order to be better able to settle the dispute in some way or other. Hoffmann then laid his hand on the brother-in-law's side, but this action had in it nothing of an offensive, but rather of a friendly character. At this instant, Macdonald, throwing himself into a boxing attitude, struck Inspector Hoffmann in the most violent manner with both fists. Hoffmann drew back quietly, and requested me to get out. I complied. Hoffmann then got up into the carriage, secured Macdonald, and, with the assistance of some railway officials, who entered from the other side, brought him away.

"In conclusion, I have only to remark that, generally, eight persons, but, if necessary, ten, are admitted into a compartment, and that, therefore, in any case, there was room for me and my wife in the carriage. The child, which, it is true, was not carried by the maid, seemed to be about four or five years of age, and apparently did not occupy a seat.

"Read, approved, and signed.

(Signed) "DR. PAROW.
"NACKEN.
"LANSER."

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Inclosure 4 in No. 28.

*Evidence of P. C. Hoffmann.*

(Translation.)

Done at Bonn on the 11th of October, 1860.

APPEARED before the Judge of Instruction, Nacken, assisted by the Adjunct Secretary Lanser, the undernamed, summoned as witness in the inquiry against Anderson and others, for libel. The same having been sworn as witness, deposed, in the absence of the accused, generally, as follows:—

"My name is Philipp Englebert Hoffmann; I am fifty-four years of age; I am Inspector of the Railway Station at Bonn;" and then specially to the matter in hand as follows:—

"The train which arrived here from Coblentz at 4 o'clock in the afternoon of the 12th of September of this year was very full, and there was a great deal of stir occasioned by a number of other people getting in here. Just as the train was ready to start off, or, to speak more correctly, after a large portion of the passengers had got in, I suddenly saw a disturbance in one of the second class carriages, and, on approaching this carriage, I found in it Dr. Parow and his wife, and also an Englishman and an English lady.

Dr. Parow was very excited, and explained to me that the Englishman had laid hands upon his wife rudely, and that another place must be found either for this Englishman or for him, Dr. Parow. Another traveller named Buchholtz, a cloth manufacturer of Burtscheid, near Aix-la-Chapelle, bore testimony to this, and it was told to me at the same time that the Englishman, who stood up in the carriage at the door of it, had obstructed the entrance of the aforesaid Buchholtz. In the meantime there came up another Englishman, who, as afterwards appeared, was a brother-in-law of the former Englishman.

"This one was quite quiet and unexcitable, and quite master of the German language. He attempted to mediate, and, as he was about to get in, I addressed him with these words: 'Stay where you are, I will show the gentleman (the Englishman) to another place.' On saying this, I took the brother-in-law by the arm, but without in the least assuming an offensive character, which there was the less reason for doing because he appeared quite willing to remain where he was. At this moment the Englishman in the carriage stretched out his hand to draw his brother-in-law in. I stopped the latter with these words, addressed to the Englishman in the carriage: 'That won't do, you must get out;' and then received from him, whether from one or both hands I do not know, a violent blow on the breast. The next day I still suffered pain, which I considered the result of the blow. Several guards, as also my Assistant Schützrichel, had by this time got into the carriage from the other side; they secured the Englishman, who flung himself upon the seat, and could only be removed from the carriage by force, and by pulling at his legs.

"He did not fall on the ground in consequence of this.

"The wife of the brother-in-law, Kuhe, followed us out of the carriage; the train drove off; and I went a little after into the Goods Office.

"Mrs. Kuhe had also a good knowledge of German, and did not blush to speak abusively here in the Goods Office, and to talk of German brutality and coarseness. To this behaviour on the part of Mrs. Kuhe I only offered the following observation: 'Madam, I respect in you the lady; say what you please, you do not insult me by it. A gentleman would not dare to say that to me.' Kuhe himself requested to know what was to happen, and when I explained to him that I must draw up a protocol of the occurrence, and he must lay down a sum of money as security, he drew a quantity of gold pieces out of his pocket, and said that it did not matter to him. The Englishman together with Kuhe and his wife, now followed me into the office; and I here requested to learn the name of my aggressor, but though I repeatedly put the question no answer was given to me, so that I at length declared that I would not be made a fool of, and called in the Policeman Wirtz, who was on duty upon the platform of the station. Wirtz spoke to the Englishman, who understood German enough to make himself intelligible to him, and received from him his pass-book, which he (the Englishman) threw on the table. It appeared that he was called Macdonald. I demanded a security of 10 dollars, as our regulation requires. I acted here upon the supposition, that the affair before me was a simple question of contravention of Railway Police Regulations, and passed over the insult that I had received by it. Macdonald and his brother-in-law were silent upon this, whilst Mrs. Kuhe declared that this was extortion and robbery, and we would pocket the money.

"My patience was now exhausted; I said to Mrs. Kuhe, it was now enough, she must go out. Macdonald interfered, grew very loud, and gesticulated vehemently with his hands. At length they were all three removed by the above-mentioned Schützrichel, but without any violence; only Macdonald was pushed out of the door. Wirtz received them here, and accompanied them to the Commissary of Police. The Commissary of Police, Muss, received from me a full account of the incident, and then I went away, and troubled myself no more about the matter.

"On the 14th of September the British Consul came from Cologne to inquire into the matter.

"After I had communicated to him all that had occurred, the Consul said he had supposed the affair had occurred in this way; he was not there to extricate the English if they contravene the laws of the country, but only to take care that they underwent no injustice; the Consul said further, he had been told that Macdonald had been put into a dirty hole with other criminals

in contradiction to which I was able to assure him that this was not the case, he might be at ease upon that point. My son had seen Macdonald more than once, and had told me that he had been placed by himself in the place of arrest for debt, to my knowledge the best. I cannot say who made such hateful insinuations to the Consul, but I suspect that they came from the brother-in-law, Kuhe, or his wife.

"On the following morning the Consul came to me to inquire how the matter stood, and I told him that I had been examined as a witness on Friday evening, and that the matter would be publicly tried, according to a communication from the State Prosecutor Möller, on the following Tuesday. I added to this statement that I inferred, from a statement made during the course of the examination, that Möller proposed to receive the papers on Friday evening, and therefore wished to decline the examination of Parow, in order that the matter might be brought to an end on Tuesday.

"The Consul upon this expressed himself much pleased to see that the State Prosecutor Möller had kept his word; he had promised him to hurry the matter as much as possible.

"In the public session on Tuesday, the 18th of September, the State Prosecutor Möller, after the prisoner's advocate had finished his speech, spoke to this effect: 'The English language has one word by which it expresses the whole conduct of an educated, well-bred man, and that is the word 'gentleman.' It appears, however, that many of the English travelling on the Continent entirely forget this word upon leaving England, and make themselves noted here for their presumption and arrogance, even blackguardism.' I know for certain that the State Prosecutor Möller spoke only of many of the English travelling on the Continent, because my son, who was equally present, and I afterwards, outside the door expressed to one another our wonder that the advocate of Macdonald treated the expression of the State Prosecutor as if it had been intended to stigmatize all Englishmen.

"So far I can testify to the matter in question.

"About two years ago, an Englishman travelling through in the same manner, had laid his travelling effects on the seat of a third class carriage. I wanted to put them under the seat, he attacked me, was removed in consequence from the carriage, and in the course of this tore my uniform. Nothing resulted from this incident, because the Englishman, at the request of the Police Inspector, afterwards begged my pardon.

"Another Englishman, about five years ago, wanted to enter a first class carriage with a dirty dog, and because a guard opposed this, he made him recoil with a blow.

"Lastly, I must remark, that at intermediate stations, such as Bonn, very often ten persons are obliged to be taken into a second class carriage, and that accordingly there was still room for Parow and his wife in the coupé. As the guard told me, Macdonald behaved most unpleasantly in all places where passengers got in on the journey from Mayence to this place, to those who attempted to do so."

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Inclosure 5 in No. 28.

*Two Anonymous Letters addressed to M. Möller.*

(Translation.)

GREAT DONKEY.

(Postmark, Bonn, 10. 10.

The State Prosecutor, Möller,

WEBERSTRASSE.

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(Translation.)

Postmark, London, Sp. 25.

To the State Prosecutor, Möller, at Bonn.

Filthy Ragamuffin,

as a testimony of infamy to his gross presumption and vulgar impudence is this paper dedicated with the profoundest contempt.

(Delivered at Bonn, on the 27th September, 1860. Postage 7 silbergroschen.)

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No. 29.

*Lord Bloomfield to Lord J. Russell.*—(*Received November* 12.)

My Lord, *Berlin, November* 10, 1860.

I HAVE the honour to forward to your Lordship herewith the copy of a letter, dated the 2nd of November, addressed to me by Mr. Crossthwaite, Her Majesty's Consul at Cologne, applying for the examination of certain important witnesses in the case of Captain Macdonald.

In reply to Mr. Crossthwaite, I addressed the letter of which the inclosed is a copy, in which I informed him of the dispositions taken by the Prussian Government with reference to the examination of such witnesses, as conveyed to me in Baron Schleinitz's note of the 31st of October, copy of which was inclosed in my despatch to your Lordship of the 3rd instant.

Having yesterday learnt from Mr. Crossthwaite that the inquiry before M. Pelmann was closed, and that no more witnesses could be heard before that gentleman, I immediately proceeded to Baron Schleinitz to represent to his Excellency the injury which would accrue to the interests of the Englishmen involved in the libel case at Bonn by the exclusion of their witnesses in consequence of the unexpected close of the inquiry, and I addressed to his Excellency, in the course of the afternoon, the note of which a copy is herewith inclosed.

I have, &c.

(Signed) BLOOMFIELD.

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Inclosure 1 in No. 29.

*Consul Crossthwaite to Lord Bloomfield.*

(Extract.) *Cologne, November* 2, 1860.

I HAVE the honour to call your Lordship's attention to two declarations, inserted in the "Cologne Gazette" of this day, taken from the "Preussische Zeitung," being the statements made by Hoffmann and Dr. Parow. I wish to ask your Lordship whether it would not be advisable to obtain the depositions on oath of the two witnesses who appeared at the trial, and also of Mrs. Heyden, of Cologne, who was in the carriage when the outrage on Macdonald was committed.

I have not called again on Mrs. Heyden, fearing that she may have been tampered with, and will refuse to make a declaration before me.

Should your Lordship approve this suggestion, it would be well not to lose a moment in making application to the Minister of Justice.

When I called on Mrs. Heyden, a few days after the trial, she stated that she was in the carriage and witnessed the proceedings, entirely corroborating Macdonald's statement. She heard Dr. Parow order Hoffmann to remove that "Englischer Flegel," and was terrified by the brutal manner in which Macdonald was dragged out of the carriage by Hoffmann's assistant. Further, that during the journey to Cologne, Dr. Parow told her not to give her name, as she might get into trouble. She then said, "I shall at any time be ready to come forward and give my testimony on oath."

Your Lordship can, therefore, demand that she be summoned and

examined upon the above points, and her testimony will tend very much to prove the truthfulness of Macdonald's statement, whilst it will chiefly refute that of Dr. Parow.

It appears that as yet no day has been fixed for the trial at Bonn. It is said that it will not take place until after the investigation of Möller's case be concluded.

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Inclosure 2 in No. 29.

*Lord Bloomfield to Consul Crossthwaite.*

Sir, *Berlin, November* 4, 1860.

WITH reference to your letter of the 2nd instant I have to inform you that a communication has been made to me by the Prussian Government, to the effect that his Excellency the Minister of Justice, in order to afford all facilities consistent with Prussian laws to the Englishmen involved in the trial for libel at Bonn, has given directions that such witnesses for the defence as it may be desirable should be cited shall be examined before M. Pelmann, the Commissary appointed by the Government to conduct the disciplinary inquiry into M. Möller's conduct, and before whom the statements of M. Hoffmann and Dr. Parow, published in the papers, have already been made.

Under these circumstances, it seems to me that the legal adviser employed by these gentlemen is the person who should take the necessary steps for securing the examination before M. Pelmann of the witnesses adverted to in your letter, and more particularly that of Madame Heyden, whose evidence seems of so much importance in the case, and I have to instruct you to lose no time in suggesting this course to the parties concerned.

I have, &c.
(Signed) BLOOMFIELD.

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Inclosure 3 in No. 29.

*Lord Bloomfield to Baron Schleinitz.*

M. le Baron, *Berlin, November* 9, 1860.

I HAVE the honour to inform your Excellency that, having acquainted my countrymen involved in the affair at Bonn with the contents of your note of the 31st ultimo, I received this morning, from Mr. Crossthwaite, Her Majesty's Consul at Cologne, a communication, in which he informs me that the disciplinary inquiry against M. Möller being closed, it is no longer possible that the witnesses, whose depositions the accused are desirous of obtaining, should be heard.

Inclosed herewith I have the honour to transmit copy of the letter in which M. Pelmann communicated these facts to Mr. Crossthwaite. In bringing them to the knowledge of your Excellency I cannot but request your serious attention to the injury which will accrue to the interests of my countrymen involved in this affair if, in consequence of the unexpected close of the disciplinary inquiry, they should not have the opportunity afforded them of bringing forward the witnesses whom they desire should be heard, and of having the depositions of these witnesses reduced to protocol.

I have, &c.
(Signed) BLOOMFIELD.

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No. 30.

*Lord Bloomfield to Lord J. Russell.—(Received November* 12.)

My Lord, *Berlin, November* 10, 1860.

WITH reference to the semi-official statement respecting the Macdonald affair, contained in the article from the "Prussian Gazette," which I have the

honour to transmit herewith in translation, I would venture to call you Lordship's attention to the following points:—

1. That not more than in any of Baron Schleinitz's official communications is the question respecting the legality of the detention of Captain Macdonald, as affected by the absence for a longer space than twenty-four hours of a sufficient warrant of detention, satisfactorily disposed of.

2. That the disciplinary inquiry, instead of extending to the whole of M. Möller's conduct, would seem from the wording of the paragraph in question to have been restricted solely to the language used by him in Court.

3. That it seems to argue a want of courtesy on the part of the Prussian Government in a matter in which Her Majesty's Government is so nearly concerned, to allow of the first intimation of the termination of the inquiry, and of its results, to be made in a public newspaper.

I have, &c.
(Signed) BLOOMFIELD.

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Inclosure in No. 30.

*Extract from the "Preussische Zeitung,' of November* 10, 1860.

(Translation.) *Berlin, November* 10, 1860.

THE Macdonald affair has already been discussed *usque ad nauseam.* It has been proved by witnesses, whose depositions have been made on oath, that the Captain opposed the ingress of two newly-arrived passengers into the coupé in which he himself was, and that he replied to the directions of the Railway Inspector, who had been summoned by the said passengers to their assistance, with a blow. The Railway Inspector being inclined to take no serious notice of the ill-treatment which he had personally experienced, but to regard the affair simply in the light of an offence against the railway regulations, was ready to set Captain Macdonald, together with his travelling companions, who remained behind with him, at liberty on the payment of the prescribed caution-money: to this Captain Macdonald would not consent. Injurious expressions on the part of the companions of the offender hereupon induced the Railway Inspector to deliver Captain Macdonald over to the custody of the Police. Immediately on the day of the arrest Captain Macdonald was examined before the functionaries of Police, and, within the twenty-four hours prescribed by law, before a Judge competent to conduct the (preliminary) investigation. So far from the prisoner being justified in complaining of errors of form which were taken advantage of to his prejudice, he had much more reason to rejoice at the celerity with which the whole proceeding was carried on, and at the mildness of the definitive sentence. The Court, instead of pronouncing him guilty of resistance to an official whilst in the discharge of his duty, merely found him guilty of insulting behaviour, and was satisfied with sentencing the accused to the payment of a fine.

Such are the facts which led the "Times" to the opinion that the laws of Prussia appeared to have been "made by savages, and administered by ruffians."

The room in the debtor's prison in which Captain Macdonald passed his nights, and the one in the same building destined for the lawyers, in which he spent the day, were the "dark hole" and the "filthy dungeon" of which the "Times" gave its readers so horrible a description.

In the course of the trial, the Staats Procurator, who acted as prosecutor, allowed himself to be drawn into the expressions which were construed as an insult to the English nation. The disciplinary inquiry, instituted for the purpose of verifying this expression, has just been brought to a close, and the result of it proves that the Staats Procurator at all events spoke only of the English who travel on the Continent, and that the meaning and application of his words, taken in their proper connection, were not intended to attach even to the whole of this category, but only to such as pleased to behave themselves on the Continent in the manner further described in the speech. For the rest, it follows of course that the conduct of the Staats Procurator will finally be judged as those laws of our country which apply to it prescribe.

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No. 31.

*Lord J. Russell to Lord Bloomfield.*

(Extract.) *Foreign Office, November* 14, 1860.

I HAVE to instruct your Lordship to procure without delay the best legal opinions upon Captain Macdonald's case. It is desirable that they should, if possible, be obtained from lawyers of established reputation.

You will also procure and send copies of the depositions and judgment upon the trial of Captain Macdonald.

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No. 32.

*Lord Bloomfield to Lord J. Russell.*—(*Received November* 19.)

My Lord, *Berlin, November* 17, 1860.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 14th instant, directing me to procure the legal opinion upon Captain Macdonald's case, and I beg leave to inform your Lordship that, previous to the receipt of this instruction, I had been in communication with an eminent lawyer of Berlin on this subject.

As a preliminary step, I have caused a letter to be written to M. Schöler, the advocate who defended Captain Macdonald at his trial, desiring him to send me an accurate report of the facts connected with the arrest and imprisonment of Captain Macdonald, which may be submitted to a lawyer for the purpose of obtaining his opinion as to the legality or illegality of the procedures. M. Schöler is also directed to obtain copies of the depositions and judgment upon the trial, and, if he cannot do so, to inform me in what way they are to be obtained.

I have, &c.
(Signed) BLOOMFIELD.

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No. 33.

*Lord J. Russell to Lord Bloomfield.*

My Lord, *Foreign Office, November* 21, 1860.

IN reply to your despatch of the 17th instant I have to inform your Lordship that I approve the steps you have taken for procuring the best legal opinion upon Captain Macdonald's case, and for obtaining the most accurate report of the proceedings which have already taken place in the matter.

I am, &c.
(Signed) J. RUSSELL.

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No. 34.

*Lord Bloomfield to Lord J. Russell.*—(*Received November* 26.)

My Lord, *Berlin, November* 24, 1860.

WITH reference to my despatch of the 17th instant and to your Lordship's dated the 21st instant, I regret to have to inform your Lordship that, in consequence of the illness of M. Schöler, the advocate employed by Captain Macdonald, considerable delay is likely to occur in obtaining accurate reports of the proceedings which have already taken place in the affair in which that gentleman was concerned at Bonn in September last.

I have now directed Her Majesty's Consul at Cologne to procure the papers that are required.

I have, &c.
(Signed) BLOOMFIELD.

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No. 35.

*Lord Bloomfield to Lord J. Russell.*—(*Received December* 3.)

My Lord, *Berlin, December* 1, 1860.

WITH reference to my despatch of the 24th ultimo, I have the honour to inform your Lordship that Mr. Consul Crossthwaite being unable to obtain the papers connected with the legal proceedings instituted against Captain Macdonald at Bonn, I have applied for them to the Prussian Government, and inclose herewith for your Lordship's information a copy of the note which I have addressed to Baron Schleinitz on this subject.

I have, &c.
(Signed) BLOOMFIELD.

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Inclosure in No. 35.

*Lord Bloomfield to Baron Schleinitz.*

M. le Baron, *Berlin, November* 29, 1860.

HER Majesty's Government having instructed me to forward to them authenticated copies of the depositions and other official acts connected with the trial of Captain Macdonald, as well as of the judgment passed by the Court on that occasion, I have recourse to the good offices of your Excellency to obtain these documents for me.

I find myself obliged to trouble your Excellency with this request, as the counsel employed by Captain Macdonald, from whom I expected to receive this information, is not in a position to furnish me with it, and I am told that I can only obtain it through your Excellency's mediation.

I avail, &c.
(Signed) BLOOMFIELD.

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No. 36.

*Lord Bloomfield to Lord J. Russell.*—(*Received December* 3.)

My Lord, *Berlin, December* 1, 1860.

WITH reference to my despatch of the 10th ultimo, in which I forwarded the copy of a note which I had addressed to Baron Schleinitz requesting that permission be given for the examination of certain important witnesses in the libel case which followed the arrest and trial of Captain Macdonald at Bonn, I have the honour to inclose a copy of the answer which I have just received from his Excellency, stating that though he believes most of those persons whose testimony could be of value to the English concerned in the protest have already been examined, he is ready to propose to the Minister of Justice to meet the wishes of the defendants.

I have, &c.
(Signed) BLOOMFIELD.

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Inclosure in No. 36.

*Baron Schleinitz to Lord Bloomfield.*

Milord, *Berlin, le* 30 *Novembre,* 1860.

JE m'empresse de vous informer en réponse à votre lettre du 9 de ce mois, qu'il résulte des actes relatifs à l'enquête disciplinaire qui a été ouverte contre le Procureur du Roi, M. Möller, à Bonn, que dans cette procédure déjà un grand nombre de témoins a été entendu pour constater de quels termes ce Magistrat s'est réellement servi le 18 Septembre dernier dans sa réponse au plaidoyer du défenseur de M. le Capitaine Macdonald.

Parmi ces témoins ont figuré aussi le défenseur même de M. Macdonald, Avocat Schöler, et M. Crossthwaite, Consul de Sa Majesté Britannique à Cologne.

Il paraît donc que les témoins dont l'audition importe surtout aux Anglais signataires de la protestation dans l'affaire de M. Macdonald, ont déjà été entendus sous la foi du serment. Pour le cas où il n'en serait pas ainsi, je suis tout prêt à interposer mes bons offices auprès de M. le Ministre de la Justice pour que ceux des témoins qui n'auraient pas encore été entendus soient assignés subséquemment pour en recueillir les dépositions ; mais il faudrait pour cela que le Gouvernement connût les noms des personnes dont les Anglais à Bonn demandent encore l'audition par procès-verbal.

En vous priant, Milord, de vouloir bien en ce cas m'en faire parvenir la liste spéciale et nominative, j'ai, &c.

(Signé) SCHLEINITZ.

(Translation.)

My Lord, *Berlin, November* 30, 1860.

I HASTEN to inform you, in reply to your letter of the 9th instant, that it appears from the records relating to the disciplinary inquiry which has been set on foot into the conduct of the Procureur du Roi, M. Möller, at Bonn, that a great number of witnesses have already been examined, to prove what were the terms really employed by that Magistrate on the 18th of September last, in his reply to the pleadings of Captain Macdonald's counsel.

Among these witnesses appeared Captain Macdonald's counsel, the Advocate Schöler, and Mr. Crossthwaite, Her Britannic Majesty's Consul at Cologne.

It appears, therefore, that the witnesses whose examination is most important to the Englishmen, who signed the protest in Mr. Macdonald's affair, have been already heard on oath. In case it should not be so, I am quite ready to use my good offices with the Minister of Justice in order that those witnesses who have not yet been examined may be subsequently summoned, in order that their depositions may be taken; but to do this the Government ought to know the names of the persons whose examination, by *procès-verbal*, is demanded by the English at Bonn.

Requesting you, my Lord, to be good enough in this case to let me have a special list, giving their names, I have, &c.

I have, &c.

(Signed) SCHLEINITZ.

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No. 37.

*Lord Bloomfield to Lord J. Russell.*—(*Received December* 6.)

My Lord, *Berlin, December* 4, 1860.

I HAVE the honour to transmit copies of a note from Baron Schleinitz of the 30th ultimo, and of its inclosures, a translation of one of which is also forwarded, on the Macdonald affair.

Your Lordship will perceive, by a perusal of these documents, that the Prussian Government have taken pains to bring to light the truth of the whole transaction, and have caused witnesses on both sides to be carefully examined, whose testimony is placed on record in the Inclosure No. 3.

The only result of these proceedings has been a reprimand addressed to M. Möller by the Minister of Justice, and we must wait to see whether this measure may not have an advantageous influence on the subject of the inquiry instituted at Bonn against the English who had inserted in the newspapers a protest against the language held by M. Möller at the trial of Captain Macdonald, and are, in consequence, accused of libelling a public functionary.

I have, &c.

(Signed) BLOOMFIELD.

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Inclosure 1 in No. 37.

*Baron Schleinitz to Lord Bloomfield.*

Milord, *Berlin, le 30 Novembre,* 1860.

EN me référant à mes offices du 9 et du 29 du mois passé, relatifs à l'affaire de M. le Capitaine Macdonald, j'ai l'honneur de vous informer que l'enquête dirigée contre le Procureur du Roi, M. Möller, est maintenant terminée, et que les actes complets des divers débats auxquelles l'affaire en question a donné lieu devant le tribunal de Bonn ont été placés sous les yeux de M. le Ministre de la Justice.

En considération de la grande importance que le Gouvernement de Sa Majesté Britannique a attachée aux faits qui se sont passés à Bonn, M. le Ministre de la Justice a jugé convenable de faire extraire des dossiers de ces procédures un exposé détaillé, contenant en particulier toutes les dépositions des témoins les plus dignes de foi. J'ai l'honneur de transmettre ci-joint à votre Excellence une copie de cette pièce.

En appelant, Milord, votre attention sur les observations consignées dans le "Pro Memoriâ" que j'ai aussi l'honneur de vous adresser ci-joint, je vous prie de les regarder comme résumant la manière dont le Gouvernement de Son Altesse Royale envisage cette affaire. J'aime à croire que le Gouvernement de Sa Majesté Britannique, en vue de la réprimande qui va être adressée à M. Möller, n'hésitera pas à considérer comme terminé d'une façon satisfaisante un incident que le Gouvernement Prussien a vivement regretté.

Quant à l'effet que la peine infligée à M. Möller peut être appelée à produire sur le résultat de l'enquête ouverte à Bonn contre les Anglais qui résident dans cette ville, ce n'est qu'au tribunal compétent qu'il appartient d'en décider.

Recevez, &c.
(Signé) SCHLEINITZ.

(Translation.)

My Lord, *Berlin, November* 30, 1860.

WITH reference to my communications of the 9th and 29th ultimo, relative to the affair of Captain Macdonald, I have the honour to inform you that the inquiry into the conduct of the Procureur du Roi, M. Möller, is now terminated, and the full reports of the various discussions to which the affair in question gave rise, before the Tribunal at Bonn, have been laid before the Minister of Justice.

In consideration of the great importance which the Government of Her Britannic Majesty has attached to the events which have passed at Bonn, the Minister of Justice has thought it right to have a detailed account extracted from the reports of the proceedings, containing especially all the depositions of the most reliable witnesses. I have the honour to transmit herewith to your Lordship a copy of this document.

In calling your attention, my Lord, to the observations in the "Pro Memoriâ" which I have also the honour to forward to you herewith, I beg you to look upon them as resuming the view which the Government of His Royal Highness takes of this affair. I trust that the Government of Her Britannic Majesty, looking at the reprimand which is about to be addressed to M. Möller, will not hesitate to consider as satisfactorily terminated an incident which the Prussian Government deeply regrets.

As to the effect which the penalty inflicted on M. Möller may have on the result of the proceedings opened at Bonn against the English residents in that town, the proper tribunal can alone decide thereupon.

I have, &c.
(Signed) SCHLEINITZ.

## Inclosure 2 in No. 37.

### *A Legal Exposé of the Macdonald-Möller case.*

(Translation.)

ON the 12th of September of the current year, the English Captain, Macdonald, was taken into custody at the Bonn Railway Station, and, upon the charge of having assaulted the Station-master, Hoffmann, was submitted to judicial examination.

The preliminary inquiry, in consideration of the confinement of the accused, was restricted to as few examinations as possible, and the case was disposed of as early as the sitting of the tribunal of Correctional Police ("Zuchtpolizei-Gericht") of the 18th of September of the current year. The Court found the accused not so much guilty of an assault upon Hoffmann whilst in the discharge of his duty (which Hoffmann himself does not seem to have considered to have been the case at the time of the occurrence), as guilty of an insult to Hoffmann whilst in the exercise of his functions, and accordingly condemned Macdonald to a fine of 20 thalers, with costs. Macdonald made no appeal against this judgment, but, on the contrary, immediately paid the penalty and costs, and was set at liberty.

Then appeared in the "Bonn Gazette" of the 20th of September, as well as in a number of the "Cologne Gazette" of the same date, a protest inserted by several English residents in Bonn, in which they asserted that the Public Prosecutor Möller had declared, in the public sitting of the 18th of September, that "the English residing or travelling on the Continent were known for their presumption, insolence, and blackguardism ('Lümmelei')." It goes on to say that Möller had been led, by his private feelings of hatred, to insult a whole nation, to which the wife of his Royal Highness the Crown Prince belongs, and that he had, by his uncalled-for and cowardly attack on the whole British nation, wished to excite feelings of animosity against the many English families living in Bonn.

An inquiry, not yet terminated, has been instituted at Bonn by the Procureur-Général (Ober-Procurator) against the persons who signed this advertisement, on the ground of an insult offered to the Public Prosecutor Möller in connection with his public duties.

Meanwhile the Minister of Justice found himself all the more called upon to direct disciplinary proceedings to be taken against Möller, that the occurrence had created a great sensation, and that the most exact exposition of the facts of the case appeared necessary. Accordingly, these proceedings were instituted, in conformity with section 23 of the Disciplinary Law for Officials, not Members of the Judicature, passed on the 21st of July, 1852, under reserve of a further decision, according as the result of the preliminary inquiry turned out, one way or the other, as provided by section 38 of the same Law; and a Member of the Court of appeal of Cologne, of the rank of Judge, was named Commissioner to carry on this inquiry.

It was intimated, partly in the advertisement above alluded to, partly in other quarters, that Macdonald had given no cause for his arrest; that he had been roughly treated during the same; that he had been confined in improper prisons; that the rules laid down by the law, with reference to arrests, had not been observed; and, finally, that Möller had not only, in the public sitting of the Court, expressed himself in the terms above alluded to, but had also previously opposed the provisional release of Captain Macdonald on bail in an improper manner.

As regards these charges, the legal proceedings, in which all the witnesses, as well those who were officially called as those adduced by the persons who signed the protest, were examined on oath, have furnished the following body of information:—

Macdonald was travelling by rail on the 12th of September, from Mayence, in a second class carriage, in company with his sister-in-law and her husband, Kuhe, their child and its nurse. In these second class carriages, according to the account given by Station-master Hoffmann, when there is a press of travellers ten persons may be received at intervening stations such as Bonn. As the train stopped at Bonn station Kuhe left the carriage, with the nurse and the child. Macdonald and his sister-in-law were left alone. The witnesses, shopkeeper Josepha Heyden and her forewoman Catharine Niessen, of

Cologne, came early on the platform, before any disturbance took place, got into the carriage, of which Macdonald and a lady were the only occupants, and saw that the vacant places were covered with travelling effects. However, on their asking whether there were still two places free, it appears that Macdonald civilly made a sign in the affirmative with his hand, and gathered up his travelling effects, in order to make room for the two witnesses. After this, according to their account, Dr. Parow came to the carriage for the purpose of getting in, upon which Macdonald made a simple motion with his hand, in order to show that there were no more places vacant. Parow then retreated from the steps of the carriage, but, on the railway guard warning the passengers to get in, he sat down with his wife in the carriage in question, without any opposition on Macdonald's part, either by word or gestures.

When, however, another gentleman (Buchholtz) had attempted to get in, Macdonald had got up from his seat, and motioned him off with his hand, in a manner which made the impression on the witnesses of his fearing lest the absent portion of his party should find no places. Upon this, Macdonald's brother-in-law got into the carriage, with a child on his arm, and now (as deposed by the witness Heyden) or even on his warning off Buchholtz (as deposed by the witness Niessen), Dr. Parow informed Macdonald, in an excited tone of voice, that he was an insolent fellow ("Flegel"), and called out to the Station-master, who was standing near, "Take this insolent fellow out of the carriage, otherwise I shall not go any further." The Station-master then called into the carriage, "Come out, we will give you another place;" and as Macdonald did not obey these directions, hands from outside laid hold of him, in order to drag him out of the carriage. His sister-in-law endeavoured to retain him in the carriage, but, from the other side, several railway employés rushed into the carriage and violently expelled therefrom Macdonald and the lady. The witnesses further deposed that, as far as they saw, Macdonald was not guilty of any act of violence against the Station-master Hoffmann, and more particularly that they did not see him strike him on the breast. At any rate, they said neither one thing nor the other happened as long as Macdonald was in the carriage. Besides, they had never seen the face of the Station-master, but had only concluded that he was present from Dr. Parow calling out to him, and from the answer returned by him. They had remarked no improper conduct against any one on the part of the Englishman. On the departure of the train Dr. Parow had remarked to his wife, "Did he push you also?" to which the latter answered in the negative.

Henrietta Hoevel, formerly shopwoman of the witness Heyden, now residing at Poppelsdorf, was heard in support of Macdonald, and deposed, that she had accompanied the witnesses Heyden and Niessen to the carriage, and had remained on the platform; that it had at first appeared as if there were no places vacant in the carriage, but that Macdonald had made room for both ladies by collecting his luggage that was lying about on the seats. Dr. Parow had got in later, and Macdonald had given him to understand, by gestures with his arms, that the places were taken. She had seen no pushing on the part of Macdonald. One of the ladies whom she accompanied had informed her that Macdonald had merely laid his hand on the shoulders of the lady who was with Dr. Parow, giving her to understand that she must leave the seat. The Station-master Hoffmann, had wished to prevent a second Englishman from entering the carriage, and wanted to drag out both Englishmen. Macdonald had on his side struck about him with his arms, and several railway officials had then come from behind and thrown the English out of the carriage. Up to the moment when the railway officials got into the carriage from behind, the witness had not seen that Hoffmann had been struck by Macdonald, although she had watched the affair closely. According to her firm conviction she could only say that he had made gestures with his arms.

In her subsequent examination this witness declared, in correction of her former statement, that she had not been able to remark the single facts, as everything had taken place so rapidly. She had seen no assault on Hoffmann on the part of Macdonald, but that, in the tumult, she had been unable to note whether such had taken place or not.

Another witness for the defence, Doctor of Philosophy Meyer (who could not be examined subsequently, as he had left Bonn), deposed, in the sitting of the 18th of September, that Hoffmann stretched his arms with a certain vehe-

mence into the carriage, continually calling out, "Out with him." Railway officials had then dragged several persons out of the carriage. This was done rather roughly. Macdonald was dragged out by the feet, so that his head struck the step.

This last statement Macdonald himself declared in Court to be incorrect.

Dr. Parow, M.D., of Bonn, and his wife, both deposed that the former had, on Macdonald signifying to him that there was no room in the carriage, the vacant seats being covered with travelling effects, at first left the carriage steps; but on the call "Ready" sounding, and the guard directing him to get in quickly, as there was room enough in the carriage, he got in.

As, however, Mrs. Parow was about to enter, Macdonald took hold of her shoulders to prevent her from doing so. Upon this Parow had called to Macdonald in a loud voice, "Sir, how dare you touch the lady!" and on Macdonald explaining in his own language that he knew no German, Parow had answered, "I know that already; when Englishmen intend to be guilty of some insolence they pretend not to know German." He, Parow, had then called out to the Station-master, "Protect me against this gentleman, who has attacked my wife. I make you responsible for it, and shall go no further with the gentleman." Meanwhile the brother-in-law of Macdonald had come up with the nurse and child, and had got in. Hoffmann tried to induce him to get out, but had received a very severe blow on the chest from Macdonald's two fists. Hereupon Hoffman had, with the assistance of railway officials, who got in at the other side, dragged Macdonald, who struggled violently, out of the carriage.

The Parows explained the contradictory statements of the above witnesses, Heyden, Niessen, and Hoevel, by the fact of those standing outside having been unable to see all that was going on on account of Mrs. Parow's position; while Macdonald's standing up prevented the witnesses, sitting back in the carriage, from seeing.

The cloth manufacturer Buchholtz, of Burtscheid, deposed that he had wanted to get in after the Parows, being directed to do so by the guard, but that he had retreated because Macdonald had got up from his seat and gone up to him warning him off as if he intended to push him back; he had gone at him with both hands, moving them backwards and forwards, and as witness believes with both fists clenched.

The Station-master Hoffmann says that his attention had been drawn to the disturbance in the carriage in question, and that he had been desired by Dr. Parow, who was very indignant, to show either him (Dr. Parow) or Macdonald another place, as the latter had laid hold of his wife. He had also been informed that Macdonald had refused to allow Buchholtz to enter the carriage. Macdonald's brother-in-law, who had come up in the meantime, and who was perfectly quiet, and well acquainted with the German language, had attempted to mediate. He, Hoffmann, had endeavoured to prevent his getting into the carriage, in order to show him and Macdonald into another place. The latter had, however, taken hold of his brother-in-law in order to drag him into the carriage, and had given Hoffmann, who tried to prevent this, a severe blow in the chest with one or both fists. Hereupon Macdonald, who had thrown himself back on the seat, had been turned out of the carriage. This could only be carried into effect forcibly by pulling at his legs. At the same time he had not fallen to the ground during the transaction. Macdonald's sister-in-law, Mrs. Kuhe, who was well acquainted with the German language, had, on the departure of the train, made use of abusive language in the luggage office, and talked of German coarseness and vulgarity. He, Hoffmann, had given her to understand that he respected the lady in her, and that she could not insult him. No answer was given to him on his asking several times for Macdonald's name, until at last the passport book was tossed on the table to the Police Officer Wirtz, who had been called up, from which Macdonald's name was obtained. He had now demanded 10 thalers deposit-money, as he desired to treat the affair simply as a contravention of the railway police regulations; as, however, upon this, Mrs. Kuhe had declared it to be extortion and robbery, that he intended putting the money into his pocket, his patience had become exhausted, and he had given over the affair to the Police, and brought Macdonald before the Police Commissary.

The judicial acts show that already on the 12th of September, after the

witness Hoffmann had been heard, Macdonald, who had been arrested whilst actually committing the act of which he was charged ("auf frischer That ergriffen") was examined before the Commissary of Police, as the competent official of the Criminal Police, that his confinement in the arrest-house was ordered, and that a notification of the matter was made to the Procureur du Roi ("Staats-Anwalt"). The latter on the following day moved the examination and committal before the Juge d'Instruction. The examining organ "Untersuchungs-Amt") examined Macdonald on the same day in the arrest-house, and left him there. The provisions of the law of the 12th of February, 1850, for the protection of personal liberty (the so-called Habeas Corpus Act), were hereby fulfilled. The formal warrant of detention, prescribed additionally to this by the Criminal Code of the Rhine, which authorizes the actual reception ("Aufnahme") into the arrest-house, could only be drawn up and executed on the 15th of September, on account of the absence of the Juge d'Instruction on service, whose place for the purpose of examination had been taken by a Referendary.

It was namely necessary that, as Referendaries cannot on their own authority make out warrants of detention, and as the absence of the Juge d'Instruction was prolonged by the unexpected duration of his official business, the Court at Bonn should by a decree appoint another of its members as a substitute for the Juge d'Instruction.

Macdonald during his detention was confined in a decent room reserved for debtors, and quite separate from the other localities of the prison; during the day time he could spend his time in the room set apart for the judges and lawyers, whilst he obtained his food from one of the best hotels at Bonn.

No application to be set provisionally at liberty or bail was made on behalf of Macdonald. Nevertheless the statement has been put forward that the Procureur du Roi Möller had in an improper manner denied the admissibility of such bail. The English Consul at Cologne, in his evidence given as sworn witness, only deposes to the fact that he had on the third day after the arrest endeavoured to obtain from Möller the release of Macdonald on bail, that Möller had declared that he for his part did not agree to such a step, that an application for this purpose might be brought before the Court, but that he would oppose such an application. With reference to this statement, which does not even maintain that there was an illegal act on the part of Möller, Möller declares that it must in so far be based on a misapprehension that he had in no wise spoken of a personal disinclination to, or of opposition against, the liberation; but only that according to analogous precedents, the application would as he foresaw not be agreed to by the Court, which alone had to decide in the matter, that however he would not dissuade from such an application being made. That in similar cases in which Englishmen have been arrested for ill-behaviour, applications for liberation on bail have been refused by the Court at Bonn, is shown by the acts relative to these cases, more particularly in a case in the year 1857, when the Court opposed the motion of the Procureur du Roi Möller.

Lastly, as regards the expressions which Möller is accused, in the newspaper advertisement above referred to, with having used in the public sitting of the 18th of September, when the affair of Macdonald was being tried, it should be observed that Möller, even before the appointment of the Disciplinary Inquiy, had, in a written declaration which had been required of him, admitted that in the introduction to his speech for the prosecution, moving that fourteen days' imprisonment should be awarded, he had, in connexion with the meaning of the word "gentleman," expressed himself on the spur of the moment to the effect that not all Englishmen had allowed that expression (gentleman) to penetrate into their flesh and blood, inasmuch as experience taught that, as regarded those who came to the Continent, they either did not fully appreciate the meaning of the word, or at least, when abroad, thought they could leave it unattended to, inasmuch as they often rendered themselves conspicuous by their presumption and arrogance, and he regretted to have so to call it, their blackguardism.

He did not mean exactly to apply this to the accused, who, however, as an officer and an educated person, ought to have known that it was his duty to submit to the orders of Police Agents, and that it was not one's business to oppose oneself to such orders by acts of violence and blows with the fist. Was

not in his country (the accused's) the respect before the Agent of Police so great, that a single man, armed with a short staff, could menace and hold in order a whole mass ?

No results, very materially different from these statements of Möller himself, have been obtained from the depositions of the many witnesses who have been examined in the matter. All the witnesses agree upon this point, that Möller spoke only of the English who travelled on the Continent, and not as the protest declares, of those who reside on the Continent. In the same way it is proved that Möller immediately declared that these words did not apply to the accused.

The depositions of the witnesses only differ from one another in the sense they attribute to the words of Möller, viz., as to whether these words designated only a few travelling Englishmen, or were to be taken in a more general sense, and whether they accidentally could, or necessarily would, when taken in their context, more or less produce the impression that all English travelling on the Continent were meant, and so a whole class of persons, and even the English nation at large, insulted.

The greater majority of the witnesses were unable to give an accurate account of the speech in its general connexion, and principally recollected the expressions, arrogance, insolence, and more particularly ("Lümmelei") blackguardism, and did not derive the impression from Möller's speech that he wished to extend those expressions to all English travelling on the Continent, and thereby insult the English nation at large. It should be more particularly noticed, that the President of the Court, President Lamberg, who was called upon to give his special attention to the speech of Möller, and during the time it was going on to take notes, because he had to repeat what had been said to the Interpreter, that it might be translated into English, finds amongst his notes the following entries:—"Amongst many English, insolent, arrogant, blackguardism ('Lümmelei'),"and consequently that he repeated to the Interpreter the speech of Möller in the narrower sense which the speaker himself has attributed to it.

In opposition to this, Advocate Schöler, the counsel for Macdonald, who was examined as a witness, declares that, owing to the great excitement produced amongst the English who were present, by the observation of Möller—an excitement which he (Schöler) sought to calm to prevent any interruption of the sitting—he had been induced to note the expressions of Möller *verbatim*, and according to his notes, Möller's *ipsissima verba* had been, "But the English, those at least who travelled on the Continent, behaved with insolence, arrogance, and I may say, blackguardism. This, however, does not all of it apply to the present accused."

Witness had read out these words, word by word, in his reply, and it had struck him as strange that the President of the Court, when he caused the speech of Möller to be interpreted, had construed the words in the sense that "many English behaved themselves improperly." He had, however, had no interest in contradicting this interpretation previously to his reply.

The English Consul gives the words used by Möller, which he had written down soon after the sitting of the Court, exactly as they had been given by the counsel who defended Captain Macdonald.

The first impression that they had made upon him was that an insult had been offered to the English nation. The reason why he had not held fast to this first impression might be that Möller had, upon the more general expression, "Englishmen," made the words follow, "at least those that travel on the Continent."

The Advocate Hagen, who was present amongst the audience at the sitting of the Court, considered the expressions used by Möller to have been called forth by the antecedent remark of the counsel for the defence, to the effect that in conflicts between Englishmen and Germans, the latter's prejudices were generally against the Englishmen, whereas in the present case the opinion of the public was on the side of the Englishman. Möller's reply, connecting itself with this remark, as it seemed to him (Hagen), had gone to show that though it was certainly the case that the English knew how to designate with one single appropriate word the noble character of the Englishman, nevertheless the English, those at least who travelled on the Continent, made themselves conspicuous by their presumption, insolence, and blackguardism. That he had by no means meant to predicate this of the accused Macdonald, but that it was

a common cause of complaint that Englishmen when travelling did behave themselves in the manner named. The counsel for the defence had constructed and drawn attention to the words of Möller as conveying a general meaning by remarking, with reference to them, that conduct of this kind could not be predicated of all Englishmen; that he, at least, had relatives amongst the English, and he should be sorry to say anything of the sort respecting them. The general sense in which the language of Möller was interpreted by the counsel for the defence, caused considerable sensation amongst the English present, and it would have been right on the part of Möller to have replied and restricted the meaning attached by the defence to his words within the sense in which he had really expressed himself. This was not done, but the President, in addressing the interpreter, explained the words of Möller in the restricted sense.

Möller himself declares that he had not contradicted the counsel for the defence (who had also talked of Englishmen residing on the Continent) because his (the counsel's) interpretation, from which it certainly seemed to him (Möller) that the principal source of the later scandal arose, had appeared to him to be too false. As regarded the motives for the expressions used by him in the introductory part of his speech for the prosecution, Möller declared that the affair of Macdonald had excited a lively interest amongst the English inhabitants of Bonn; that a strong party had been formed in his favour, and that this party had more particularly been set in movement by the English Consul at Cologne. That it had been pointed out to him, Möller, that Macdonald stood in the personal service of his Queen, and that her interests might possibly suffer by his arrest. In the public sitting of the Court, the English inhabitants of the town had, by taking up a position near his seat, made themselves remarkable by a more or less imposing attitude, so that it seemed as if it were their intention to have it understood that the mere fact of being an Englishman lent a kind of unapproachableness to the character, and as if an impropriety, similar to the one in question, could under no circumstances be supposed possible on the part of an Englishman. It was, therefore, only with reference to this behaviour on the part of persons altogether uncalled for ("unberufenen personen," seems to mean "persons not called upon to mix themselves up in the matter,") and not with reference to the person of Captain Macdonald, or to the act of which he was accused, that he had considered it a duty he owed to his office, to point out in his introductory remarks that he need not be shy of applying the criminal code to an Englishman merely because the word "gentleman" existed in the English language, inasmuch as it was not every man who spoke English who was necessarily a "gentleman."

The Minister of Justice, in virtue of section 33 of the Disciplinary Law of the 21st July, 1852, which is worded as follows—"The Minister within whose department the accused may be, is authorized, with reference to the result of a preliminary examination, to stay further proceedings, and merely to ordain, should the case require it, a disciplinary penalty ('ordnungs-strafe'),"—has considered it right, with reference to the result of the preliminary examination, to stay the further proceedings of the disciplinary inquiry, but, nevertheless (*vide* Nos. 8, 8, 14, 15, and other places) to administer a reprimand to Möller, because the expressions used by him being in themselves improper, were certainly offensive towards the English who were present, and were likely to cause the misapprehension that a general attack, and one without exception, was intended against whole categories of Englishmen, and even against the English nation at large.

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## Inclosure 3 in No. 37.

*Pro Memoriâ.*

LES poursuites judiciaires dirigées contre M. Macdonald ont démontré de la manière la plus évidente, que d'après les lois Prussiennes, auxquelles sont soumis aussi les étrangers, l'arrestation de M. Macdonald était pleinement justifiée par les circonstances, et qu'il s'est attiré lui-même l'application de ces lois en s'opposant de vive force aux injonctions des employés qui lui demandaient compte de sa conduite.

Les insinuations d'après lesquelles M. Macdonald aurait été traité avec

dureté pendant sa détention ont été complètement démenties; on a eu au contraire pour lui pendant son séjour dans la prison des égards particuliers; de plus, il est hors de doute que, dans l'intérêt même de l'accusé, le Procureur du Roi a trop hâté l'instruction du procès, et que si les faits eussent été complètement éclaircis, comme ils l'ont été plus tard, on n'eût pu s'attendre à une sentence aussi peu sévère.

On avait fait un reproche au Procureur du Roi, M. Möller, d'avoir déclaré positivement au Consul de Sa Majesté Britannique que l'élargissement provisoire et sous caution du prisonnier ne pouvait avoir lieu. D'abord, d'après les termes de la loi ce n'était point au Procureur du Roi, mais au tribunal, de prononcer sur cette question, et si M. Möller avait affirmé le contraire au Consul Britannique, il aurait encouru le blâme de ses supérieurs. Mais dans sa déposition M. Crossthwaite n'a nullement maintenu cette assertion ; il a déclaré au contraire que M. Möller lui avait dit qu'il pouvait adresser au tribunal sa demande d'élargissement, en ajoutant à la vérité que pour sa part il s'opposerait à ce que cette faveur fût accordée. Si M. Möller avait tenu ce langage il n'aurait fait qu'exprimer à l'avance son opinion personnelle qu'il pouvait être appelé, le cas échéant, à faire valoir, et l'on ne pourrait l'en blâmer; mais il ne reconnait pas même s'être exprimé dans ce sens, et prétend, au contraire, avoir dit seulement à M. Crossthwaite que d'après des précédents à lui connus il ne lui semblait pas probable que l'élargissement provisoire serait accordé. Ces précédents, qui ont été communiqués à M. le Ministre de la Justice, donnent en effet la preuve que l'élargissement provisoire sous caution n'est point accordé d'ordinaire aux étrangers par le tribunal de Bonn, et ce fait donne évidemment aux déclarations de M. Möller sur le contenu de son entretien avec M. Crossthwaite une assez grande apparence d'exactitude.

Il ne reste donc qu'à examiner les expressions dont s'est servi M. Möller dans l'audience publique du 18 Septembre, en parlant de la conduite des Anglais. Sous ce rapport l'on ne saurait regarder comme prouvé rien de plus que ce que M. Möller lui-même, tant avant que pendant l'enquête disciplinaire dirigée contre lui, a déclaré relativement aux paroles prononcées par lui à cette occasion.

Dans la protestation des sujets Anglais résidant à Bonn qu'ont publiée les journaux, M. Möller était accusé d'avoir compris dans son blâme les Anglais qui habitent sur le Continent. Pas un des témoins entendus dans cette affaire n'a confirmé cette assertion.

Quant à la question de savoir si M. Möller a parlé en général des Anglais qui voyagent sur le Continent, ou s'il n'a attaqué que les procédés d'un grand nombre d'entre eux, c'est sans contredit à la déposition du Président de la Chambre, M. Lambertz, que l'on doit accorder la plus grande valeur, puisqu'il était chargé de répéter à l'Interprète le discours de M. Möller, et que dans ce but il avait pris des notes pendant le cours même du plaidoyer. Si le défenseur de M. Macdonald et le Consul Britannique à Cologne, &c., ont interprété les paroles de M. Möller dans un sens plus général et plus offensant pour la nation Anglaise, l'intérêt qu'ils portaient à l'accusé peut n'avoir pas été sans influence sur leur manière de voir, et l'on ne saurait en aucun cas accorder plus de valeur à leur interprétation qu'à celle de la plupart des autres témoins. Le défenseur prétend à la vérité être prêt à affirmer sous serment que les mots cités par lui sont littéralement ceux qu'a prononcés M. Möller, et qu'il en a pris note aussitôt, et pendant la séance. Mais il reconnaît lui-même qu'il ne les a pas notés au moment même où ils furent prononcés, et qu'il n'a été engagé à le faire qu'en voyant la vive sensation qu'ils produisaient parmi les Anglais présents, ajoutant qu'il avait dû chercher à calmer ceux-ci afin d'éviter que l'ordre de la séance ne fût troublé.

Le Consul Britannique n'a pris note de ces paroles qu'après la séance, et sa version correspond exactement à celle du défenseur. D'après la déposition de M. l'Avocat Hagen, celui des témoins qui a rapporté de la manière la plus claire l'ensemble des expressions dont s'est servi le Procureur du Roi, ce ne seraient point les paroles de M. Möller, mais seulement l'interprétation que leur donna le défenseur, qui aurait produit une si grande sensation parmi le public Anglais.

Cette réplique du défenseur, et le fait que M. Möller s'abstint de protester contre l'interprétation donnée à ses paroles, peuvent avoir contribué à faire naître les exagérations publiées plus tard. Mais lors même que les mots

échappés à M. le Procureur du Roi dans un discours improvisé eussent été tels que le défenseur les rapport, il serait impossible d'admettre que M. Möller ait pu avoir l'intention de caractériser par là tous les Anglais, ou du moins tous ceux qui voyagent sur le Continent, et d'offenser ainsi la nation entière. On ne saurait reconnaître dans toute la première partie du discours de M. Möller que l'intention d'invoquer à l'appui de ses conclusions la considération que le manque d'égards et les prétentions exagérées qu'on a trop souvent à reprocher aux voyageurs Anglais exigeait une application sévère de nos lois pénales.

Le Gouvernement de Son Altesse Royale reconnaît que dans le cas présent les paroles qu'a prononcées M. Möller étaient déplacées, et que surtout la présence de nombreux Anglais et du Consul de Sa Majesté Britannique eût dû l'engager à les éviter.

Dans ces circonstances, M. le Ministre de la Justice avait à examiner quelle était la peine qui, d'après la Loi du 21 Juillet, 1852, devait être infligée à M. Möller.

L'Article XIV de cette Loi distingue deux classes de peines disciplinaires:

1. Les peines disciplinaires proprement dites (" Ordnungs-Strafen ").
2. L'éloignement de l'employé du poste qu'il occupe.

Les peines de la première espèce sont d'abord l'avertissement; puis, comme peines plus sévères, la réprimande et l'amende.

Dans le cas actuel il ressort évidemment des informations fournies par l'enquête et consignées dans l'exposé ci-joint, que le délit dont s'est rendu coupable M. Möller ne justifierait nullement la destitution de ce fonctionnaire, et que la peine la plus sévère qui pourrait être prononcée contre lui serait la réprimande; c'est-à-dire, le second degré des peines disciplinaires proprement dites. Il ne saurait donc être question de traduire M. Möller devant la Cour Disciplinaire, et la justice sera évidemment satisfaite lorsqu'une réprimande adressée au prévenu par voie disciplinaire aura terminé cette affaire d'une manière définitive.

(Translation.)

THE judicial proceedings against Mr. Macdonald prove in the most obvious manner that, according to Prussian law, to which foreigners are equally liable, the arrest of Mr. Macdonald was fully justified by the circumstances of the case, and that he brought upon himself the application of these laws in resisting by force the orders of the officials who called him to account for his conduct.

The insinuations that Mr. Macdonald was treated with severity during his detention have been entirely disproved; on the contrary, particular indulgence was shown to him during his residence in the prison; besides, it is undoubted that, in the interest of the accused, the Procureur du Roi hurried on the trial of the case, and that, if the facts had been fully explained as they afterwards were, so lenient a sentence could not have been expected.

The Procureur du Roi, M. Möller, had been reproached with having positively declared to the Consul of Her Britannic Majesty that the prisoner could not be released on bail. In the first place, according to the provisions of the law, it was not for the Procureur du Roi, but for the Tribunal, to decide this question, and if M. Möller had asserted the contrary to the British Consul, he would have been censured by his superiors. But in his deposition Mr. Crossthwaite by no means maintained this assertion; on the contrary, he declared that M. Möller had told him that he might address his request to be released to the Tribunal, adding, indeed, that for his part he should oppose the concession of this favour. If M. Möller had made use of this language, he would only have expressed his personal opinion beforehand on a matter on which he might be called upon under certain circumstances to put it in force, and he could not be blamed for doing so; but he does not even admit having expressed himself in such a sense, and professes on the contrary to have only told Mr. Crossthwaite that, according to the precedents known to him, he did not think it likely that the provisional release would be granted. These precedents, which have been communicated to the Minister of Justice, do in fact prove that provisional release on bail is not generally granted to foreigners by the Tribunal of Bonn, and this fact evidently gives a great appearance of exactness to M. Möller's declarations as to the substance of his conversation with Mr. Crossthwaite.

It only remains, therefore, to examine the expressions made use of by M. Möller in the public audience of the 18th of September in speaking of the conduct of Englishmen. Under this head nothing ought to be looked upon as proved except what M. Möller has himself declared in respect to the words spoken by him on that occasion, either before or during the disciplinary inquiry into his conduct.

In the protest of the English residents at Bonn published in the newspapers, M. Möller was accused of having included in his reprobation the English residents on the Continent. No one of the witnesses examined in the affair confirmed this assertion.

With regard to the question as to whether M. Möller spoke generally of English travellers on the Continent, or only attacked the proceedings of a great number of them, the greatest importance must undoubtedly be attached to the deposition of the President of the Chamber, M. Lambertz, since he was charged to repeat to the interpreter the speech of M. Möller, and with this object he took notes during the actual delivery of the pleadings. If Mr. Macdonald's counsel and the British Consul at Cologne, &c., interpreted the words of M. Möller in a more general sense, and one more offensive to the English nation, it is possible that the interest which they felt for the accused may have had some influence on the view they took of them, and in no case could more weight be given to their interpretation than to that of most of the other witnesses. The counsel professes, indeed, to be ready to affirm on oath that the words cited by him are literally those which were spoken by M. Möller, and that he took note of them immediately and during the sitting. But he himself acknowledges that he did not note them at the very moment when they were spoken, and that he had only been induced to do so on seeing the lively sensation which they produced among the English present, adding that he had been obliged to endeavour to pacify them in order to prevent the order of the sitting being disturbed.

The British Consul only took note of these words after the sitting, and his version corresponds exactly with that of the counsel. According to the deposition of the Advocate Hagen, the witness who gave the clearest report of the expressions made use of by the Procureur du Roi, it was not the words of M. Möller but only the interpretation given to them by the counsel which produced so great a sensation among the English public.

This reply of the counsel, and the fact that M. Möller abstained from protesting against the interpretation given to his words, may have contributed to produce the exaggerations which were afterwards published. But even if the words which escaped the Procureur du Roi in an unpremeditated speech had been such as the counsel reported them, it would be impossible to admit that M. Möller could have intended to describe by them all Englishmen, or at least all those who travel on the Continent, and thus to offend the whole nation. Nothing can be seen in the first part of M. Möller's speech but the intention of involving in support of his conclusions the consideration that the want of respect and the exaggerated pretensions with which English travellers must too often be charged, demanded a severe application of our penal laws.

The Government of His Royal Highness acknowledges that in the present case the words spoken by M. Möller were out of place, and that the presence of several Englishmen and of Her Britannic Majesty's Consul ought especially to have induced him to avoid them.

Under these circumstances, the Minister of Justice had to examine what penalty ought, according to the Law of July 21, 1852, to be inflicted upon M. Möller.

The 14th Article of that Law distinguishes two classes of disciplinary punishments:—

1. Disciplinary punishments properly so called ("Ordnungs-Strafen").
2. The removal of the official from his post.

The penalties under the first head are, in the first place a "warning," next, as severer penalties, "reprimand and fine."

In the case in question it is evident, from the information obtained at the inquiry and recorded in the annexed statement, that the offence of which M. Möller was guilty would by no means have justified the removal of this functionary, and that the most severe penalty which could be pronounced against him was a reprimand; that is to say, the second degree of disciplinary

penalties properly so called. There could therefore be no question of bringing M. Möller before the Disciplinary Court, and justice will evidently be satisfied when a reprimand addressed to the culprit through an official channel shall have definitively terminated this affair.

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Inclosure 4 in No. 37.

*The Minister of Justice to the Ober-Procurator in Bonn.*

(Translation.) *Berlin, November* 29, 1860.

IN connection with the inquiry instituted against Perry and others, I have to inform you, Herr Ober-Procurator, with reference to the report of the 27th ultimo, the documents sent in with which are herewith returned, that a reprimand has been administered to the Staats Procurator Möller, for his behaviour in the inquiry against Captain Macdonald. Inclosed herewith is, at the same time, a copy of the verdict, which has been communicated to him to-day, which you are empowered to make use of with reference to the inquiry against Anderson and the other persons concerned, as soon as the documents which have been forwarded to-day to the General Procurator in Cologne have been returned to you.

It must be left to the judgment of the Landgericht at Bonn to determine what influence that reprimand can have upon the inquiry now pending. But the Minister of Justice would have considered an extension of the inquiry against Anderson and the other persons concerned upon the charge of an insult to the said Möller the less called for, that it cannot be considered desirable or fitting, as a rule, to institute proceedings for an insult to a public functionary if the latter should have in any way given cause for such insult.

(Signed) SIMONS.

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Inclosure 5 in No. 37.

*Reprimand addressed to M. Möller.*

(Translation.) *Berlin, November* 29, 1860.

THE proceedings in the Disciplinary Court of Inquiry instituted against you, agreeably to the order of the 6th October of the current year, which have been taken down before the Counsellor of the Court of Appeal, Pelmann, named as Commissary to conduct the inquiry, have, while agreeing on all material points with the account given by yourself, show that in the course of the proceedings in the case against Captain Macdonald, in the public sitting of the Court of Correctional Police in Bonn, on the 18th September, 1860, you, in your opening speech for the prosecution, made use of the following expressions, viz., "That Englishmen who came on the Continent frequently made themselves conspicuous for their presumption, shamelessness, and blackguardism" ("Lümmelei").

These expressions produced great sensation on the many English who were in Court, and amongst them, on the English Consul, who, in his official capacity, interested himself for the accused, and have been the cause of severe attacks, not only against yourself personally, but also against the Prussian courts of justice and the Prussian State in general. Now, although your arguments in their entire connection may not have justified this, yet there is no denying that the expressions made use of by you were in themselves unfitting, that they were certainly calculated to have the effect of wounding the susceptibilities of the English present, and that they might easily be misunderstood and construed into a general attack, without exception, upon whole categories of English, or even upon the English nation, a construction which has indeed very generally, through misapprehension, actually been put upon them. According to this you have, by the use of unfitting and needlessly offensive expressions, acted at variance with the duties imposed upon you by your office. As, however, the offence of which you are guilty is not of such magnitude as to subject you to a severer disciplinary penalty than a disciplinary reprimand, the Minister of

Justice finds himself called upon (as provided by the 33rd section of the Disciplinary Law of the 21st July, 1852) to stop further disciplinary proceedings, and to give you herewith a reprimand, with the recommendation to be more circumspect and discreet for the future.

The Minister for Justice,
(Signed) SIMONS.

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No. 38.

*Lord Bloomfield to Lord J. Russell.—(Received December 6.)*

My Lord, *Berlin, December 4, 1860.*

WITH reference to my note to Baron Schleinitz of the 29th of November, of which a copy was inclosed in my despatch of the 1st of December, and in which, conformably to the instructions contained in your Lordship's dated the 29th of November, I applied for authenticated copies of the depositions and other official acts connected with the trial of Captain Macdonald, as well as of the judgment passed by the Court on that occasion, I have now the honour to forward to your Lordship the inclosed copy of Baron Schleinitz's reply to the above communication.

His Excellency, in this communication, refers to the documents transmitted by him in his note of the 30th ultimo, copies of which are forwarded to your Lordship in my previous despatch of this day's date, and expresses the opinion that, as regards the depositions of the witnesses, the analysis of those depositions given in the German memorandum contained amongst those documents will supply the information required by your Lordship.

With reference to the copy of the judgment pronounced on the trial, Baron Schleinitz states that he has made application for it to the Minister of Justice.

I have, &c.
(Signed) BLOOMFIELD.

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Inclosure in No. 38.

*Baron Schleinitz to Lord Bloomfield.*

Milord, *Berlin, le 4 Décembre, 1860.*

VOTRE lettre du 29 du mois passé, dans laquelle vous m'avez demandé au nom de votre Gouvernement des expéditions authentiques des dépositions des témoins et du jugement du tribunal de Bonn dans le procès du Capitaine Macdonald, s'est croisée avec la mienne du 30 du même mois, par laquelle j'ai eu l'honneur de vous transmettre, Milord, un extrait officiel des actes relatifs aux différentes procédures, auxquelles l'affaire dont il s'agit a donné lieu.

Je pense donc, Milord, avoir satisfait déjà à votre demande, autant qu'elle se rapporte aux dépositions des témoins qu'il vous importe de connaître. Pour ce qui est de votre désir d'obtenir une expédition authentique du jugement qui a été prononcé contre M. Macdonald, je n'ai pas tardé à le porter à la connaissance de M. le Ministre de la Justice.

En me réservant à cet égard une communication ultérieure, j'ai, &c.
(Signé) SCHLEINITZ.

(Translation.)

*Berlin, December 4, 1860.*

YOUR letter of the 29th ultimo, in which you asked me, in the name of your Government, for authentic copies of the depositions of the witnesses, and of the sentence of the Tribunal of Bonn, in the case of Captain Macdonald, crossed mine of the 30th of the same month, in which I had the honour of transmitting to you, my Lord, an official extract from the documents relating to the various proceedings to which the affair in question has given rise.

I think, therefore, my Lord, that I have already complied with your

demand in so far as it relates to the depositions of the witnesses which it is of importance to you to be acquainted with. As to your wish to obtain an authentic copy of the sentence pronounced against Mr. Macdonald, I have lost no time in bringing it to the knowledge of the Minister of Justice.

I reserve this point for a further communication.

I have, &c.
igned) SCHLEINITZ.

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No. 39.

*Mr. Lowther to Lord J. Russell.—(Received December* 10.)

My Lord, *Berlin, December* 8, 1860.

WITH reference to the affair of Captain Macdonald, I have the honour to transmit herewith the inclosed copy of an instruction addressed by Lord Bloomfield to Mr. Crossthwaite on the day of his Lordship's departure from Berlin, directing him to obtain an opinion from a competent legal authority at Cologne upon the provisions of the Rhenal Code, in connection with the irregularities of form alleged to have taken place in the committal and detention of Captain Macdonald.

I have, &c.
(Signed) W. LOWTHER.

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Inclosure in No. 39.

*Lord Bloomfield to Consul Crossthwaite.*

Sir, *Berlin, December* 4, 1860.

WITH reference to my instructions conveyed to you in Mr. Morier's letter, to the effect that you should obtain from the counsel employed by the gentlemen involved in the libel case at Bonn (in default of being able to obtain it from M. Schöler) a detailed professional statement, with reference to the facts connected with the arrest, detention, and committal of Captain Macdonald, in order that such statement might be submitted to the opinion of an eminent lawyer, and with further reference to the suggestion made in your answer to Mr. Morier, that you should be instructed to submit such statement to a lawyer of eminence at Cologne, as more likely to have a full acquaintance with the law in force upon the Rhine than a lawyer whose practice is confined to the capital, I have to inform you that I approve of your suggestion, and I instruct you herewith to submit the case, when drawn up in the manner above adverted to, to the most eminent lawyer you can hear of at Cologne.

The points upon which I wish more particularly to have a legal opinion are the following :—

1. How far is a mere "Referendar" a legal substitute for an "Untersuchungs-Richter?"

What are the provisions of the law with reference to such substitute, and how far have these provisions been fulfilled or not fulfilled in the present instance?

2. Did the non-issuing of the warrant of arrest till the 15th instant invalidate the legality of the detention from the 12th till the 15th, and if so, to what extent did it invalidate it?

If such detention was illegal, who were the parties responsible for the illegality? Was it the superior officer of the Arrest-House, or the Staats Procurator?

The interpretation of the law given by the lawyer you will consult upon the above points should be accompanied by citations *in extenso* from the laws having reference to the case, with exact references to the statutes from which the citations are made.

I have, &c.
(Signed) BLOOMFIELD.

P. S.—I have further to instruct you to forward to Her Majesty's Legation here a copy of the statement made by the Bonn lawyer as soon as you obtain it.

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## No. 40.

*Mr. Lowther to Lord J. Russell.—(Received December 17.)*

My Lord, *Berlin, December 15, 1860.*

I HAVE the honour to inclose herewith to your Lordship the copy of a despatch which I have received from Mr. Consul Crossthwaite at Cologne, informing me that, in conformity with the instructions contained in Lord Bloomfield's despatch to him of the 4th instant, a copy of which was inclosed to your Lordship in my despatch of the 8th instant, he has submitted the questions 1 and 2, with regard to the Prussian Law, to an eminent lawyer, with the request to furnish him with a written opinion on the same, supported by citations and references to the laws and statutes bearing upon these questions. Mr. Crossthwaite has not as yet been able to procure this opinion, but he hopes to be able to send it before the end of the week.

With regard to that part of Mr. Crossthwaite's letter in which he states he presumes he has no alternative but to attend at the Court of Bonn, where he has been summoned as a witness in the matter of Dr. Perry, accused of defaming an official personage with reference to the execution of his duty, I have the honour to inclose the copy of my letter to him, informing him that I do not see how he can be exempted from attending to this summons.

Mr. Crossthwaite also states that, as a "witness," he will not be able to attend in the Court, and that it will not be in his power to watch the proceedings; and as I consider it of great importance that some one should be in Court for that purpose, I have authorized Mr. Crossthwaite to find some person who shall be able to take notes during the trial, and I trust the authorization I have given will meet with your Lordship's approval. I have, &c.

(Signed) W. LOWTHER.

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Inclosure 1 in No. 40.

*Consul Crossthwaite to Lord Bloomfield.*

(Extract.) *Cologne, December 13, 1860.*

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 4th instant, and I have to report to your Lordship that, in conformity with the instructions therein contained, I have submitted the questions 1 and 2 to an eminent lawyer, with the request to furnish me with a written opinion on the same, supported by citations and references to the laws and statutes bearing upon these questions.

The Justiz-Rath had promised me that all should be ready on Monday last, but he now informs me that it will not be possible for him to let me have the same before the end of the week, in consequence of the number of Ministerial rescripts, Cabinet orders, &c., to which reference must be made.

I will not fail to transmit the document immediately after receiving it, which I hope will not be later than the end of the week.

I have further to report to your Lordship that I have received a judicial summons to attend, as a witness, the Court at Bonn, on Monday, the 17th instant, in the matter of proceedings against Dr. Perry and others, accused of "defaming an official personage with reference to the execution of his duty."

I shall, unless I receive contrary instructions from your Lordship, duly attend at Bonn on Monday next, but, as in quality of a "witness," I shall not be allowed to be present in the Court, until called for to give my evidence; of course it will not be in my power to watch the proceedings. Would it not be advisable to have a representative for that purpose?

I have requested Mr. Krahe, the person whom I introduced to your Lordship, to call here this evening, for the purpose of ascertaining his intention of taking notes during the trial, or to find another man, should he decline to fulfil his undertaking.

I have received no information from any of the interested parties, except a short note from Mr. Anderson, instructing me that the day of trial had been fixed.

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Inclosure 2 in No. 40.

*Mr. Lowther to Consul Crossthwaite.*

Sir, *Berlin, December* 15, 1860.

IN the absence of Lord Bloomfield I have to acknowledge the receipt of your despatch to him of the 13th instant, and to inform you that, under the circumstances, I do not see how you can be exempted from attending as a witness at the trial of Dr. Perry at Bonn, to which you have been summoned.

I have also to state that I consider it of importance that some one should be in Court to take notes and watch the proceedings, and, as you will be precluded from doing this, I authorize you to find a person for that purpose.

I have, &c.
(Signed) W. LOWTHER.

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No. 41.

*Mr. Lowther to Lord J. Russell.—(Received December* 19.)

My Lord, *Berlin, December* 17, 1860.

I HAVE the honour to inclose herewith to your Lordship the copy of a note which I have this day received from Baron Schleinitz, transmitting a certified copy of the sentence passed upon Captain Macdonald on the 18th of September, at Bonn.

I have the honour to inclose also a translation of this sentence.

I have, &c.
(Signed) WILLIAM LOWTHER.

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Inclosure 1 in No. 41.

*Baron Schleinitz to Mr. Lowther.*

Monsieur, *Berlin, le* 16 *Décembre*, 1860.

EN me référant à mon office à Lord Bloomfield du 4 de ce mois, j'ai l'honneur de vous transmettre sous ce pli une copie vidimée du jugement que le tribunal de Bonn a prononcé le 18 Septembre dernier contre M. le Capitaine Macdonald.

Recevez, &c.
(Signé) SCHLEINITZ.

(Translation.)

Sir, *Berlin, December* 16, 1860.

WITH reference to my communication to Lord Bloomfield of the 4th instant, I have the honour to transmit to you herewith a certified copy of the sentence which the Tribunal of Bonn pronounced on the 18th of September last against Captain Macdonald.

Receive, &c.
(Signed) SCHLEINITZ.

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Inclosure 2 in No. 41.

*Documents in Extract from the Secretary's Office of the Royal Landericht at Bonn.*

(Translation.)

THE Royal Landgericht in Bonn, in the sitting of the Correctional Police Court of September 18, 1860, in which were present:

M. Lamberg, President of the Chamber, Oster, Landgerichtsrath, M. von Dusseldorf, Assessor, M. Möller, Staats Procurator, and M. Blumberger, Secretary, pronounced the following judgment:—

*In re* the Public Ministry against George Macdonald, 32 years old,

Captain, living at Preston, in England. The accused appeared from the House of Arrest, and was defended by the advocate Schöler.

After the case for the prosecution had been stated, according to which the abovenamed was accused of having, on the 12th September of the same year, assaulted the Station-master Hoffmann while in the execution of his duty, as the accused was unacquainted with the German language, the "Auscultator" Gustavus Gottschalk was employed as Interpreter, through the medium of whom, as soon as he had taken the oath prescribed by the law, and declared that he was 32 years of age, resident in Bonn, and neither related to nor connected with, nor in the service of the accused, the latter was examined. He pleaded not guilty to the charge; and witnesses, declaring themselves to be neither related to, nor connected by marriage with, the accused, were accordingly forthwith called, sworn separately in legal form, and examined in the following order:

1. Phillip Engelbert Hoffmann, 54 years old, Station-master at Bonn.

Witnesses for the defence:—

2. Henrietta Hoevel, 25 years old, living at Poppelsdorf, without any trade or calling.

3. Henry Meyer, 28 years old, Doctor of Philology at Bonn.

The advocate Schöler appeared for the defence, and demanded an acquittal of the accused, or, at any rate, that he should merely be condemned to a fine in accordance with the § 102 of the Penal Code ("Strafgesetz-Buch").

After hearing the case for the prosecution, which, after the summing up of the proceedings, demanded that the accused be condemned to an imprisonment of fourteen days and to the costs, the Court duly deliberated, and taking into consideration that:

They found in the conduct of the accused not so much a punishable assault on Station-master Hoffmann whilst in the discharge of his duty, as defined by § 89 of the Penal Code (the latter having himself, in fact, according to his own statement, not considered it as such at the moment), as an insult offered to Hoffmann while in the discharge of his functions; taking, also, in consideration the accused's ignorance of the German language, and that the case presented extenuating circumstances, as attested by the witnesses for the defence; for these reasons the Court of Correctional Police finds that the accused is convicted of having, at Bonn, on the 12th of September, 1860, insulted the Station-master Hoffmann, while in the exercise of his functions, and condemns him, in consideration of the extenuating circumstances, in accordance with § 102 of the Penal Code and § 194 of the "Criminal Process-Ordnung," which was read to the Court by the President, and runs as follows:—

"§ 102. Whosoever shall, by word of mouth, writing, print, signs, pictorial or other representations, insult either of the Chambers, any other political body corporate, a public court, a public officer, a religious minister, a member of the armed force, a juror, a witness, or a professional person, whilst in the discharge of their several callings, or whosoever insults these persons in a manner having reference to their callings, shall be punished with imprisonment of one week to one year. It is provided that in all cases where extenuating circumstances are found, a fine of from 10 to 300 thalers be substituted for the imprisonment."

"§ 194. Every condemnation must entail the payment of costs on the party inculpated—

"To a fine of 20 thalers, or in default to a week's imprisonment, and to pay the costs, amounting to 3 thalers, 26 groschen, 2 pfennings."

The Court acquits the accused of having assaulted the Station-master Hoffmann while in the discharge of his duty, and fixes the stamp of this judgment at 15 groschen.

Thus adjudged and published at the public sitting of the Court of Correctional Police of the Royal Landgericht at Bonn, on the 18th of September, 1860.

(Signed) LAMBERG.
OSTER.
V. DUSSELDORF.
BLUMBERGER.

No 42.

*Mr. Lowther to Lord J. Russell.*—(*Received December* 24.)

My Lord, *Berlin, December* 22, 1860.

I HAVE the honour to inclose herewith copy of a despatch which I have received from Her Majesty's Consul at Cologne, together with copies of the two telegrams to which it refers.

I did not fail to express to Baron Schleinitz my hope that Dr. Perry might not be condemned to fifteen days' imprisonment, but his Excellency did not hold out to me any hopes that the judgment would not be pronounced. I read to his Excellency that part of Mr. Consul Crossthwaite's despatch which states the effect produced by Madame Heyden's evidence, and his Excellency seemed astonished that her declaration on oath had never been published, but I told him such was the fact. I at the same time brought to his notice the very unseemly manner in which Dr. Perry and the other Englishmen on trial had been addressed by the Ober-Staats Procurator and others.

Baron Schleinitz informed me the calm and dignified behaviour of these Englishmen during this trial had produced an impression very much in their favour.

I have, &c.
(Signed) W. LOWTHER.

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Inclosure 1 in No. 42.

*Consul Crossthwaite to Lord Bloomfield.*

(Extract.) *Cologne, December* 20, 1860.

I HAVE the honour to confirm my telegraphic despatches of the 18th and 19th instant.

In the former I stated that the Ober-Staats Procurator had brought forward three witnesses against the original representation of the Macdonald case; but, instead of three, there was a host of witnesses summoned to prove all that has been asserted against Macdonald.

The English gentlemen considered this most unfair, and declined to listen to the evidence adduced, stating that, if they had been made aware of this mode of proceeding, Captain Macdonald would have been present to defend himself.

Their objections were overruled by the Court.

I was fortunately present at the moment when our case was assuming a bad appearance, and suggested to the counsel for the defence the propriety to summon Fräulein Hoevel and Madame Heyden. I sent off immediately an express to Cologne, and Madame Heyden, in accordance with the promise made some time ago, that, if necessary to the cause of truth, she would come forward to give her evidence, attended the Court on Tuesday morning.

Fräulein Hoevel was ill, and unable to attend.

The effect produced by Madame Heyden's evidence was astounding; it completely upset the statement made by Dr. Parow and his wife.

The counsel for the defence did not fail to take advantage of this evidence, which gives a different colouring to Macdonald's case, and, being quite unexpected, completely turned the advantage to our side.

Hitherto (Madame Heyden's declaration on oath not having been published) Dr. Parow had it all in his own power to make the public believe his statement. Both Macdonald and Dr. Parow are interested parties; but now appears a witness who was assisted into the carriage by Macdonald with the politeness of a gentleman, who, therefore, saw and heard all that took place subsequently, and who now fully substantiates all that Macdonald has stated, and thus has placed the declarations made by Parow and his wife in a most dubious light. Madame Heyden has proved, beyond all doubt, that Macdonald is an injured man.

With respect to my second telegram I have only to add, that when the

full report of the trial reaches your Lordship, the fact of Dr. Perry being singled out for the cruel, unjust, personal attack made upon him by the Ober-Staats Procurator, cannot fail to strike your Lordship.

I have great satisfaction in being able to report that Dr. Perry justified himself in a most mild and becoming manner, and completely disproved the unjust suspicions cast upon him. It is evident that Dr. Perry had been singled out as the victim to be sacrificed, and this circumstance will, probably, be made the subject of a memorial to your Lordship. I will, therefore, for the present, abstain from further comments thereon; but I cannot avoid alluding to the painful fact, that the respectable gentlemen placed in the dock were treated by the Ober-Staats Procurator, whenever he had occasion to address them, or to allude to them, in a most unbecoming manner. They were addressed or alluded to as if they were the greatest criminals—no title, not even plain Mr., but always Perry, Anderson, or der Perry, der Anderson, &c.

They justly complained of this discourtesy on the part of the Ober-Staats Procurator and others.

The Rev. J. S. Anderson delivered an eloquent address (in the German language), which was listened to with intense attention by the audience, and appeared to produce great effect upon the Judges.

The Ober-Staats Procurator having closed his speech by demanding that six of the accused should be pronounced innocent, three to be condemned to pay a fine of 25 thalers and costs, whilst "der Perry" should be condemned to fourteen days' imprisonment, the nine gentlemen rose, and declared that they could not submit to such a decision, exonerated Dr. Perry from the sole responsibility which the Ober-Staats Procurator had endeavoured to fix upon him, and stated to the Court that they were determined to share all together the punishment to be inflicted. They had signed the protest, and gloried in having taken the only step which was in their power to repudiate the attack made by the Staats Procurator Möller on the 18th of September last.

This declaration produced a great sensation; but the President informed them that the Court would have to decide as to the punishment, and could not accept the self-imposed infliction. Finally, that the Court would be adjourned till Monday, the 24th instant, at 1 o'clock, when judgment would be pronounced.

One of the accused, Mr. Washington, was absent.

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Inclosure 2 in No. 42.

*Consul Crossthwaite to Lord Bloomfield.*

(Telegraphic.) *Cologne, December* 17, 1860.

TRIAL of the eleven English from 9 till half-past 2; not yet finished; adjourned till to-morrow 9 o'clock. The Ober Procurator brought forward three witnesses against the original representation of Macdonald's case, without having given an opportunity to summon witnesses for the defence. A Reporter attends.

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Inclosure 3 in No. 42.

*Consul Crossthwaite to Lord Bloomfield.*

(Telegraphic.) *Cologne, December* 18, 1860.

TRIAL finished at half-past 2. The Ober Procurator demanded one to be imprisoned fourteen days, three to be fined, and six to be free. Judgment adjourned till next Monday 1 o'clock.

No. 43.

*Mr. Lowther to Lord J. Russell.*—(*Received December* 24.)

My Lord, *Berlin, December* 22, 1860.

WITH reference to Lord Bloomfield's instructions to Mr. Consul Crossthwaite to obtain a legal opinion on certain points connected with the Macdonald affair from a lawyer of eminence at Cologne, copy of which was inclosed in my despatch to your Lordship of the 8th instant, I have now the honour to forward a copy of Mr. Crossthwaite's despatch of the 20th instant, inclosing the opinion in question, of which I have likewise the honour to transmit a translation.

I have, &c.
(Signed) W. LOWTHER.

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Inclosure 1 in No. 43.

*Consul Crossthwaite to Lord Bloomfield.*

(Extract.) *Cologne, December* 20, 1860.

WITH reference to your Lordship's despatch of the 4th instant, I have the honour to transmit herewith the written legal opinion of the Justizrath Kyll on the several points connected with the arrest of Captain Macdonald.

Permit me to call your Lordship's attention to an important omission.

The declarations made on oath by Dr. Parow, the Inspector Hoffmann, and finally by Macdonald, were all published in the Government newspaper, whilst the declarations made by Fräulein Hövel and by Madame Heyden have been left unnoticed. I think that these declarations should likewise be published.

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Inclosure 2 in No. 43.

*Opinion of Counsel in the Macdonald affair.*

(Translation.)

"A LEGAL opinion is desired upon the three following questions:—

"1. In how far is a 'Referendarius' (or an 'Auscultator') legally a substitute for an 'Untersuchungs-Richter' or Juge d'Instruction?

"What are the provisions of the Law with reference to such substitute, and in what manner have these provisions been fulfilled or not fulfilled in the present case?

"2. Did the non-delivery of the warrant of detention until the 15th of the month invalidate the detention between the 12th and the 15th; and if so, in how far did it so invalidate it?

"3. If such detention was illegal, who is responsible for the illegality? Was it the Superior Officer of the Arrest-House, or was it the Staats-Procurator (Procureur du Roi)?

"The explanation of the law by the Counsel whom you will consult upon the above points must be accompanied by quotations *in extenso* from the laws which have reference to the case, with exact reference to the statutes from which the quotations are taken."

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1. Our legislation, *i. e.*, that in force in the Rhine Province, originally derived from the French Code, knew nothing of the institution of "Auscultators" and "Referendaries." It was only later introduced and regulated upon the model of the Judicial Constitution existing in the old provinces, and that by means of Ministerial rescripts. The Ministerial rescript of the Minister of Justice, Von Kamptz, of the 16th of February, 1832, entitled "Regulations respecting the practical preparation and examinations for the judicial service (Justiz-Dienst) in the Rhine Province," contains the *résumé* of the provisions on this point.

According to this rescript "Auscultators" are not authorized to undertake examinations in criminal cases in the room of the "Untersuchungs-Richter," or Juge d'Instruction, and can only in such examinations be employed to draw up the protocol; on the other hand "Referendaries" are empowered so to act. The passages on the subject are as follows:—

§ 25. "However their (*i. e.*, the Referendaries') principal occupation must consist in attending to affairs specially connected with the business of the Judge or of the Public Prosecutor, in Reports ('Relationen und Vorträgen') in preparatory commissions ('Commissions Termine,' as, *e. g.*, in bankruptcy cases), and in examinations which they may conduct independently, or, as the case may be, under the direction of a member of the Court."

§ 27. "The Referendar must at the same time point out at least two examinations which he has conducted independently, and which he himself considers as fitted to show the degree of perfection which he has acquired in the art of carrying on such examinations."

The investment of the Referendar with the functions of examination is made by the Staats-Procurator (Procureur du Roi), and the President of the Court (Landesgericht). The inquiry in the particular case is intrusted to the Referendar by the Untersuchungs-Richter (Juge d'Instruction). Whether this was or was not done in the present instance can only be shown by the Acts of the case.

2. The legal sources in this matter are: The original Code of the year 1808, and the law for the protection of personal liberty of the 12th of February, 1850. The latter in certain points amplifies and alters the former.

In both the difference is made between the provisional arrest and detention of a person ("Vorlaüfige Ergreifung und Festnahme einer Person"), as the Law of 1850 expresses it, and the committal ("Verhaftung") properly speaking. Under what circumstances the former may take place is stated in §§ 2 and 3, as follows:—

§ 2. "The provisional arrest and detention of a person without a warrant from a Judge can take place—

1. "When a person is found in the actual perpetration of a criminal action, or is met with, or pursued, immediately after such perpetration."

2. "Later also, when circumstances show that there are suspicions of the strongest kind ("dringend verdächtig") of a person having been the author, or having participated in a criminal action, and at the same time of his being equally strongly suspected of intending to fly."

§ "3. The persons authorized provisionally to arrest and detain are the Police authorities and other officials, whose duty it is, according to the existing laws, to search after crimes and misdemeanours, as also the Military Guard ("Wacht-Mannschaften"). The latter, however, only in the case No. 1 of Article 2.

"If, in the case supposed under No. 1 in § 2, the perpetrator flies or gives ground for strong suspicion that he intends flight, or if there are grounds for supposing that the identity of the person may otherwise not be established, then any private person is authorized to seize such perpetrator."

Amongst other passages, §§ 8 and 16 of the Code of Criminal Procedure ("Criminal-Gesetz-Buch") express themselves in a similar manner:—"The Criminal Police ('Gerichtliche Polizei') examines into crimes, misdemeanors, and breaches of the law, collects evidence with regard to them, and hands over the authors thereof to the tribunals whose business it is to punish the same.

§ 16. "They arrest and bring before the Juge de Paix ('Friedensrichter') or Maire every person whom they have caught in a (criminal) act, or who, by the voice of the public, is designated as the perpetrator (of such act), when such criminal action draws after it the punishment of imprisonment, or any heavier penalty."

In the larger towns there is a peculiar locality for the reception of such persons as have been subjected to the "provisional arrest and detention." The Superintendant or Administrator of such locality for imprisonment ("Gefängniss-Local") has to receive therein, without any written order, such persons as are brought to him by the officials and servants of the Police, who are authorized to make such provisional arrests.

Different from this is the actual committal which must follow upon such provisional arrest, or which can take place independently of it. This point is treated of in § 1 of the Law of 1860:

§ 1. "The committal of a person can only take place upon the strength of a written warrant from a Judge, in which the accused, be they one or more, is or are distinctly described.

"This warrant must, at the time of the committal, or at latest in the course of the following day, be shown to the accused."

In the present case,* a provisional arrest and detention of the kind described had taken place. For such, paragraph 4 of the Law of 1850 enacts as follows:—

"In every case of committal, the necessary steps are immediately to be taken to bring the accused before the Judge who has issued the warrant of committal.

"Every person provisionally arrested must, at latest, in the course of the day following his arrest, either be set at liberty, or within that time the necessary steps must have been undertaken for bringing him before the Staats-Anwalt ('Procureur du Roi') of the competent Court. The Staats-Anwalt must either order the immediate liberation, or without delay move the Court to take a decision with reference to the committal."

Further:

§ 5. "Every person arrested, or provisionally detained, must, at latest in the course of the following day after he has been brought before the competent Judge, be so examined that the ground of his accusation be communicated to him, and that the possibility be afforded him of explaining a misunderstanding."

In the present case the provisional arrest occurred on the 12th of September, 1860, and on the 13th the examination before the Referendar, who acted in the capacity of Untersuchungs-Richter (Juge d'Instruction). Whether the Referendar in question had been regularly commissioned so to act can only be ascertained by consulting the acts themselves.

Supposing this not to have been the case, then, according to § 4 of the Law of 1850, it was necessary, with regard to the person (*i. e.*, Captain Macdonald) provisionally arrested, that on the 13th, if he were not set at liberty, the necessary steps should be taken within that time (*i. e.*, from the 12th to the 15th) for bringing him before the Procureur du Roi. This uncertain wording of the paragraph leaves it a matter of doubt whether the citing itself of a prisoner before the competent Judge is to take place on the following day, in this instance on the 13th [in the Rhine Provinces persons arrested are usually brought up before the Untersuchungs-Richter (Juge d'Instruction,) and not before the Staats-Procurator (Procureur du Roi),] or whether only the necessary dispositions to that effect are to be taken.† Paragraph 5 seems to imply that a person provisionally arrested is, in the first instance, only to be brought before the competent Judge, and superficially examined; and that then, in the course of the following day, the special examination is to take place in such wise that the ground of accusation is to be communicated to the accused, and so the possibility afforded him for an explanation of any misunderstanding.

But if the first examination, as, according to our (*i. e.*, the Rhine) criminal procedure, is always the case, has been conducted in the full manner above described, a second examination naturally does not occur.

What further measures are to be taken are not laid down in the Law of 1850, the object of which was only to limit the action of the Police, and to

* There is a clerical error here in the original, but there is no doubt about the meaning.—R. B. D. M.

† Translator's Note.—The sense of this passage, beginning at "supposing this not to have been the case," which is very obscure in the original, seems to be as follows:—The law allows a "Referendar" to conduct a preliminary examination, but requires that he should be specially deputed in each case to act in this capacity by the Juge d'Instruction. Whether on the present occasion the Referendar was so specially deputed or not, cannot be known, except by reference to the records of the proceedings, which the Counsel who gives this opinion had not access to. Even, however, if he were not thus specially deputed, the Law of 1850 is so doubtfully worded, that its provisions would seem to be complied with if, on the day following an arrest, the necessary steps have been taken for taking the matter out of the hands of the Criminal Police, and bringing it within the cognizance of the judicial authorities (Procureur du Roi and Juge d'Instruction), and that in the present instance an examination before a Referendar, even if not specially deputed, would have amounted to "taking those necessary steps," seems to be the opinion which the Counsel wishes to express.—R. B. D. M.

bring cases as quickly as possible within that of the tribunals. When the latter phase has once been entered upon, then the provisions of the Laws of 1808 regulating criminal procedure come in.

According to these provisions the Staats-Anwalt (Procureur du Roi) and the Instructions-Richter (Juge d'Instruction) have to conduct the examinations; and that partly independently, partly together. The Staats-Anwalt (Procureur du Roi) and Instructions-Richter (Juge d'Instruction) can, in cases of a serious kind where the criminal is caught in the act, arrest the accused, where this has not already been done by an official of the Hülfspolizei (Police Correctionnelle). But for the present case the details on this point are of no interest, as the provisional arrest had already taken place. In a case like the present the protocol of the Hülfspolizei (Police Correctionnelle) is delivered to the Staats-Anwalt (Procureur du Roi), and by the latter the Acts are referred to the Juge d'Instruction; the latter has to test the matter, and, in so far as it may seem justifiable, set the person provisionally arrested at liberty, or, in the contrary case, issue the warrant of committal, properly speaking; *i. e.*, change the provisional arrest into a committal. This proceeding, in the larger towns where a distinct locality and administration exists for the reception of the provisionally arrested, the so called Verwahrungshaus (Maison de Dépôt), has the result that the accused is taken out of this house into the Arrest-House, and upon the exhibition of the warrant of committal is received into the latter by the Superintendent of the Arrest-House.

In the town of Bonn, according to information taken on the subject, there do not exist two separate localities for detention of this kind, and consequently it was necessary that the accused should, on the ground of the Police arrest of the 12th of September, be received into the only existing arrest locality; from which, therefore, he could only have been liberated by order of the Staats-Procurator or the Juge d'Instruction. Such setting at liberty not taking place, but, on the contrary, the warrant of committal being made out on the 15th, he had from thenceforward, on the strength of the warrant of committal, to remain in the Arrest-House. The detention from the 12th to the 15th was a provisional arrest, according to § 3 of the Law of the 12th of February, 1850, and the detention from the 15th was in virtue of a warrant of committal, both kinds being authorized by the Law. According to established usage, moreover, even where a Referendar properly commissioned for that purpose has conducted an examination, the warrant itself is issued by the Juge d'Instruction.

Now, if, as stated in the account of the matter, the ordinary Juge d'Instruction was absent on leave, and his substitute absent on public business, and if it was consequently necessary that the Court (Landesgericht) should name a further substitute, in accordance with Article 58 of the Code of Criminal Procedure, to the effect that "in those towns where there is only one Juge d'Instruction, and he is prevented by absence, illness, or some other cause, from attending to his duties, then the Tribunal of First Instance names a Judge from out of their own body to act in his place,"—then it is easily to be explained that the warrant of committal was only made out on the 15th.

The Staats-Procurator could have ordered the liberation of the prisoner from the provisional detention, but as in this case the prisoner was a foreigner, this could not be demanded, nor would it have been justifiable. But the liberation on bail* cannot be accorded by the Staats-Procurator, nor by the Instructions-Richter (Juge d'Instruction). It can only be granted by a decree of the Rathskammer (*i. e.*, a subdivision of the Court whose functions answer to a certain extent to those of a Grand Jury), according to § 114 of the Code of Criminal Procedure, viz.:—

§ 114. "If the act that has been committed does not involve an ignominious ('beschimpfende') or dishonouring ('entehrende') penalty, but only a 'Zuchtstrafe' ('peine correctionnelle'), then the Berathschlagungskammer (the same as Rathskammer) at the prayer of the accused, and at the instance of the Staats-Procurator, may order the provisional setting at liberty of the accused; in which case, if called upon to do so, he has to appoint a surety, capable of payment, to answer for his appearance at all stages of the proceedings, as also for the fulfilment of the sentence.

"The provisional setting free on surety can be applied for and granted at all stages of the process."

* Subauditur "after committal."

This Rathskammer has to meet, according to § 121 of the same Code, at least once a week, for the purpose of hearing the reports of Untersuchungs-Richter (Juge d'Instruction). In the present case the application for bail might probably have required more time than the trial of and judgment on the matter itself, inasmuch as these took place with such rapidity.

If it be considered that the occurrence happened in the bi-monthly law term (August and September), that the arrest took place on the 12th, and that judgment was passed already on the 18th, it must be admitted that the greatest possible dispatch took place.

Hence the second question can only be answered as follows :—

"That the provisional arrest of the 12th of September, 1860, was, according to §§ 2 and 3 of the Law of the 12th of February, 1860, a legal one ; that it is certainly true that this provisional arrest might already on the 13th instead of the 15th have been changed into a committal, properly speaking by a warrant of committal issued by the Untersuchungs-Richter (Juge d'Instruction), if the absence on public grounds of the Deputy Juge d'Instruction had not made it impossible for a warrant of committal to be issued until a new substitute had been named, not, it should be remembered, by the President of the Court, but by the Gerichts-Collegium (*i. e.*, the Court sitting collegially), but that until this difficulty had been got over the provisional detention did as such continue in a manner conformable to the law."

3. The third question is answered in the above statement. It would, moreover, reduce itself only to this, whether the Court, acting collegially, ("das Collegium des Gerichtes") is to blame, because, on the 3rd and 14th a person qualified to act as Untersuchungs-Richter (Juge d'Instruction), and as such to issue a warrant of committal, was not present. To answer this question the necessary materials are not at hand. But it is plainly evident that no delay in the proceedings was caused thereby, inasmuch as, as before stated, the proceedings having been brought to a close from the 12th to the 18th of September was quite out of the common way.

(Signed) KYLL,
*Counsellor of Justice,*
*and Advocate at the Rhenal Court of Appeal.*

*Cologne, December*, 1860.

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No. 44.

*Mr. Lowther to Lord J. Russell.*—(*Received December* 31.)

My Lord, *Berlin, December* 29, 1860.

I HAVE the honour to inclose herewith to your Lordship the copy of a despatch I received from Mr. Consul Crossthwaite at Cologne, reporting the verdict pronounced upon the English who signed the protest against the expressions used by the Procurator Möller at the trial of Captain Macdonald.

I have, &c.
(Signed) W. LOWTHER.

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Inclosure in No. 44.

*Consul Crossthwaite to Mr. Lowther.*

Sir, *Cologne, December* 24, 1860.

I HAVE the honour to report to you that the following verdict was given this morning in the matter of the parties who signed the protest :—

"*Bonn, December* 24, 1860.

"The Court decided that the accused—

"Washington, who did not appear, should be proceeded against *in contumaciam.*

"That Anderson, Drummond, Cumberland, and Rapp, be condemned to pay a fine of 25 thalers each, or be imprisoned nine days.

"That Perry should pay a fine of 100 thalers, or be imprisoned five weeks.

"That Baddeley, Rochfort, Thurston, Oldfield, and Washington (the latter *in contumaciam*) be pronounced 'free' both of fine and costs, and that the costs be defrayed by the before-named Perry, Anderson, Cumberland, Rapp, and Drummond."

I have, &c.
(Signed) G. F. CROSSTHWAITE.

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No. 45.

*Mr. Lowther to Lord J. Russell.*—(*Received January* 21.)

(Extract.) *Berlin, January* 19, 1861.

I HAVE the honour to inform your Lordship that I received yesterday from Mr. Consul Crossthwaite, at Cologne, the report of the trial of Dr. Perry and colleagues, at Bonn, on the 17th, 18th, and 24th of December, 1860, drawn up by M. Krah, who was engaged by Lord Bloomfield and himself to attend the trial for the purpose of reporting the proceedings in full.

This report extends over one hundred and sixty-one closely written pages, in the German language, and I have not yet had time to read it over, but Mr. Crossthwaite has done so, and states it to be fairly and correctly given.

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No. 46.

*Lord J. Russell to Mr. Lowther.*

(Extract.) *Foreign Office, January* 24, 1861.

I HAVE received your despatch of the 19th instant, stating that Her Majesty's Consul at Cologne had forwarded to you a report drawn up by Mr. Krah of the proceedings at the trial of the English residents at Bonn, and I have to instruct you to lose no time in having this report translated and forwarded to me.

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No. 47.

*Captain Macdonald to Lord J. Russell.*—(*Received January* 25.)

My Lord, *Army and Navy Club, January* 23, 1861.

WITH reference to previous correspondence, I have the honour to beg your Lordship to be so kind as to inform me whether the Prussian Government have made, or intend making, any reparation for the treatment I experienced at the hands of certain officials at Bonn.

I have, &c.
(Signed) G. V. MACDONALD,
*Late Captain 19th Regiment.*

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No. 48.

*Mr. Lowther to Lord J. Russell.*—(*Received January* 28.)

My Lord, *Berlin, January* 26, 1861.

HAVING received a letter from Mr. Anderson, one of the Englishmen on whom judgment was latterly passed in the Correctional Police Court at Bonn, in connection with the Macdonald affair, demanding if that sentence was affected by the Royal Proclamation of the 12th instant, I applied to Baron Schleinitz for information on this matter, and learnt from his Excellency that the penalty and fine imposed upon them was remitted by this Proclamation, and that I was at liberty to inform them of the fact, which I did.

Baron Schleinitz, this morning, stated that he was about to make me a

written communication in confirmation of what he had said. I told Baron Schleinitz I regretted he had not in the first instance done so, as it would have been more gracious on the part of the Prussian Government to have made these gentlemen a separate communication, instead of letting them be included in the Proclamation.

I have, &c.
(Signed) W. LOWTHER.

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No. 49.

*Mr. Lowther to Lord J. Russell.—(Received January 31.)*

My Lord, *Berlin, January 29, 1861.*

WITH reference to my despatch to your Lordship of the 26th instant, I have now the honour to inclose the copy of a note I have this day received from Baron Schleinitz, stating that the sentence pronounced on the 24th of December last against the Englishmen at Bonn will not be carried into execution.

I have, &c.
(Signed) W. LOWTHER.

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Inclosure in No. 49.

*Baron Schleinitz to Mr. Lowther.*

Monsieur, *Berlin, le 28 Janvier, 1861.*

EN me référant à ce que j'ai déjà eu l'honneur de vous dire de vive voix, je m'empresse de vous prévenir que l'amnistie accordée par Sa Majesté le Roi le 12 de ce mois profitera aussi aux Anglais qui ont été condamnés le 24 Décembre dernier par le tribunal de Bonn dans l'affaire du Capitaine Macdonald, en sorte que le jugement prononcé contre eux ne sera point exécuté.

Recevez, &c.
(Signé) SCHLEINITZ.

(Translation.)

Sir, *Berlin, January 28, 1861.*

WITH reference to what I have already had the honour to communicate verbally to you, I hasten to acquaint you that the amnesty granted by His Majesty the King, on the 12th instant, will apply to the Englishmen who were condemned, on the 24th of December last, by the Tribunal of Bonn, in the affair of Captain Macdonald, so that the sentence pronounced against them will not be carried into effect.

Receive, &c.
(Signed) SCHLEINITZ.

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No. 50.

*Mr. Lowther to Lord J. Russell.—(Received February 4.)*

My Lord, *Berlin, February 2, 1861.*

ON the 26th ultimo I had the honour to receive your Lordship's despatch dated the 24th, instructing me to forward without delay to your Lordship a translation of M. Krah's report on the trial of the Englishmen at Bonn.

I am indebted to Mr. Morier for being enabled to transmit by this messenger to your Lordship this translation.

This has been a work requiring considerable ability and application, which

have been shown by Mr. Morier and the other gentlemen of this Legation, and I trust that the zeal they have displayed may meet with your Lordship's approbation.

I have, &c.

(Signed) W. LOWTHER.

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## Inclosure in No. 50.

REPORT upon the Trial of the Persons who signed the Protest published in the Bonn and Cologne Papers in connection with the Macdonald Affair, as carried on before the Court of Correctional Police at Bonn, on the 17th, 18th, and 24th of December, 1860.

(Translation.)

THE much-talked-of conflict, in which the English Captain Macdonald was involved, on the 12th September, last year, with the Railway Inspector at the Bonn Station of the Rhine Railway, resulted, as is well known, in Mr. Macdonald's being traduced, on the charge of insulting the railway official in question, before the Court of Correctional Police at Bonn, where he appeared on the 18th of September, and where, the charge being proved, he was condemned to a fine of twenty dollars. In the course of the above proceedings, the Procureur du Roi, Möller, who acted as public prosecutor on the occasion, used expressions which deeply aggrieved ("tief verletzte") the English who were present among the audience. The latter considered it a duty they owed to themselves and to their national honour to answer with an energetic protest the expressions used by the Procureur du Roi Möller in public Court.

This protest was drawn up by Mr. Walter Perry, for many years a resident in Bonn, signed by him, as also by Messrs. Anderson, Baddeley, Rapp, Cumberland, Oldfield, Drummond, Washington, Rochfort, and Thurston, and inserted in German as well as in English, in the "Bonn Gazette" of the 20th and 21st of September, and in German in the "Cologne Gazette" of the 21st of September. The public authorities thought that they detected in the wording of the certainly very strongly expressed Protest, an insult to the Procureur du Roi Möller, in regard to the exercise of his public functions.

The inquiry instituted in consequence against the signers of the Protest, resulted in the following gentlemen, all of them at the time resident in Bonn, being cited before the Correctional Police of Bonn, upon the charge of "having, by the contents of the Protest inserted in the 'Bonn Gazette' of September 20th and 21st, 1860, and in the 'Cologne Gazette' of the 21st September, 1860, insulted the Procureur du Roi Möller in reference to the exercise of his public functions," viz.:—

1. Walter England Perry, Advocate.
2. James Stuart Murray Anderson, Pastor.
3. Paul Frederic Henry Baddeley, Surgeon.
4. Edward Rapp, Gentleman.
5. George Barratt Cumberland, Major.
6. Mortimer Percy Drummond, Captain (retired).
7. Francis Palmer Washington, Gentleman.
8. Gustavus Cowper Rochfort, Colonel.
9. Charles Thomas Thurston, Lieutenant.
10. Charles James Oldfield, Lieutenant.

The Protest in question, and particularly the more or less correctly-quoted expressions of the Procureur du Roi Möller in the sitting of the Court of Correctional Police of the 18th September, were certainly well calculated to create a deep sensation, which it more especially did in England, where the trial of Captain Macdonald was already known, and where, by means of the public press, the contents of the Protest were also brought to the notice of the public, eliciting a feeling of considerable exasperation, which found vent in articles of a very sharp kind in the English journals. Under these circumstances, the proceedings in question caused a considerable sensation, and led not only to a violent polemic between German and English newspapers, but also to diplomatic inquiries and communications, whereby the whole matter seemed more and more likely to assume an international importance.

It was, therefore, easily to be understood that the result of the judicial proceedings undertaken against the accused was looked forward to with the greatest possible interest.

After a long delay, the case was brought to trial in the sittings of the Correctional Court of the Royal Landgericht, at Bonn, on the 17th and 18th of last month.

In the sittings aforesaid, the following gentlemen acted as judges:—Landerichtsrath Dr. Busse, as President; Landerichstrath Baron Praff Ismah, and Landgericht's Assessor Wulfert; as Public Prosecutor, the Ober Procurator, Von Ammon; and as counsel for the defendants, the Advokat-Anwalt Bennerschirdt, of Bonn. Sixteen persons appeared as witnesses for the prosecution, amongst whom was the British Consul at Bonn, Mr. Crossthwaite; as a witness invested with technical knowledge ("sachverständige"*), the

* This witness had been summoned to establish the handwriting of the manuscript sent to the printer but as Dr. Perry, at the trial, owned to being the author of the Protest, this witness was not examined.

Kanzleirath Pelman of Bonn; lastly, as interpreter, Dr. Brensing, the head of an educational establishment at Bonn. The accused had summoned, on their side, several witnesses for the defence.

The sittings of the Court, which were not held in the usual locality, but, in anticipation of the concourse of the public, in some large rooms of the Court appropriated to trials by jury, were attended by so large an audience that the space set apart for the public was occupied to the last seat. From this large attendance, the very great interest was to be seen which was taken in this "cause célèbre" not only by the town of Bonn, but by persons residing at a distance.

With reference to the proceedings of the Court, the following has to be reported:—

*Sitting of the 17th of December.*

The sitting is opened at half-past 9 A.M., and begins with a call over of the names of the accused, when it appears that two of the same, Messrs. Francis Washington and Charles Thomas Thurston, are not present.

At the call over of the witnesses, it appears that some of them have not appeared. Those already present, after being admonished by the President in the usual form to speak the truth, are shown to the witness room, with the exception of Dr. Brensing, who is sworn as interpreter.

The Procureur-Général then remarks, with reference to the two accused who had not appeared, that as regards Mr. Washington, who had left Bonn without notifying his departure to the police, the summons had not been personally served on him, but that it had been forwarded to the domicile chosen by him. Mr. Thurston, on the other hand, had been personally summoned.

After the form of summons had been read out, the Royal Ober-Procurator (Procureur-Général) moved that the accused Washington and Thurston be proceeded against *in contumaciam*.

Hereupon the contents of the accusation above referred to were read out, and translated by the interpreter for the information of the accused. After this, by order of the President, the Protest in question was read out, the German version by the greffier of the Court, the English by the sworn interpreter.

The wording of the German version is as follows, &c., &c., &c.

The English version as follows:—

"We, the undersigned English inhabitants of Bonn, beg to protest against the assertion made by the Staats Procurator Möller, on Tuesday, the 18th instant, and during the public sitting of the Police Court, that 'the English residing and travelling on the Continent were notorious for the rudeness, impudence, and blackguardism of their conduct' ('Anmassung, Unverschämtheit, und Lümmelei').

"We may not have reached the height of refinement and proper feeling on which the Staats Procurator stands (we are but Englishmen), but we cannot understand how a representative of the Prussian Crown could be so far carried away by his private feelings of hatred as to insult a whole nation, to which the Consort of the Crown Prince belongs. Our Royal Princess is an Englishwoman residing on the Continent; our Queen will soon be an Englishwoman travelling on the Continent. Must they, too, quietly allow themselves to be dragged out of a railway carriage by the railway servants, called 'dummes Volk' and 'Flegel' by orthopœdic physicians; or, if they defend themselves, be thrust into a dirty jail for a week, and be then brought out to be told that they are rude and impudent blackguards by the Attorney-General of the Crown?

"Is the conduct of the many respectable English families who live in Bonn as peaceably as the feeling which the Staats-Procurator tries to rouse against them will allow, of such a kind as to deserve so uncalled-for and cowardly an attack on the whole British Nation? What would be thought of an English Attorney-General of the Crown, who should stand up in Court and denounce all the German residents in London and Manchester as rude and impudent blackguards?"

The President then proceeded to examine the accused. The first of these, Mr. Walter Perry, gives the requisite information with regard to his name, profession, and age, and declares, in reply to the President, that he speaks German, and that he has never been punished, whereupon the examination continued in the following manner:—

*President.*—You have heard on what rests the accusation against you: are you ready to declare who it was who composed the advertisement published in the papers, who it was who collected the signatures, and who caused the same to be printed?

*Perry.*—I drew up the Protest, and wrote it, and also took measures for its being printed.

*President.*—By whom did you send the manuscript to the printing office?

*Perry.*—By a waiter, or a laquais de place; this was done at the instance of Captain Macdonald.

*President.*—Who collected the signatures appended to the manuscript?

*Perry.*—This was done by a laquais de place.

*President.*—Were two copies of the Protest drawn up in this manner?

*Perry.*—Yes.

*President.*—Were you especially commissioned to act in this manner by the other accused?

*Perry.*—No. The protest was produced at a meeting at the "Golden Star," and was there signed by the gentlemen who happened to be present.

*President.*—Was it settled that the Protest should be made publicly known?

*Perry.*— Yes. I have resided for many years at Bonn, and have on several occasions acted on behalf of the English. I was, in a sort of way, their organ, and in that character I drew up the address to His Royal Highness the Prince Frederic William upon the occasion of his marriage. I was always the spokesman of the other English, and so it fell to my lot to draw up the Protest against the expressions used by the Procureur du Roi Möller.

*President.*—You state, with reference to the Procureur du Roi Möller, that he had allowed himself to make an uncalled-for and cowardly attack upon the English nation; what induced you to do so?

*Perry.*—I could not but believe that a motive of private hatred against the English lay at the bottom of the Procureur du Roi's words.

*President.*—Did you construe the words of M. Möller as being directed against the whole British nation?

*Perry.*—Yes.

*President.*—What induced you to use the expression "cowardly?"

*Perry.*—Because the attack of the Procureur du Roi was made in a place where no one could answer him.

*President.*—You deny having had the intention of insulting the Procureur du Roi?

*Perry.*—I had no such intention.

*President.*—Why did you not prefer to bring your accusation against Möller in the proper place?

*Perry.*—The English had been insulted before a large public, and therefore I deemed it right that they should be justified before an equally large public.

*President.*—For this purpose you might have used legal proceedings. Why did you not use the same?

*Perry.*—I was not aware of this. The most natural way seemed to me to use the press.

*President.*—The Protest contains several distortions of the truth, as for instance, it is stated therein that Captain Macdonald had been thrown into a dirty prison. Had you personally convinced yourself of the fact?

*Perry.*—No. But I heard this from all sides.

*President.*—In the next place the Protest is worded as if Captain Macdonald had without any cause whatever been called to account for his acts. What knowledge had you of this? Were you present at the occurrence in question?

*Perry.*—No. But I heard from others that Macdonald was innocent.

*Procureur-Général.*—Was the copy of the Protest sent to the "Cologne Gazette" also written by you?

*Perry.*—No. I only saw it.

*Procureur-Général.*—Did you send the same to Cologne?

*Perry.*—Yes. I think it was by the post, but I cannot remember exactly.

*Procureur-Général.*—I must inform you that your co-accused, Oldfield, Thurston, Rochfort, Baddeley, and Washington, state that they knew nothing of the publication of the Protest.

*Perry.*—I thought that Mr. Anderson was acting on behalf of the same, and that they certainly knew of the publication.

The examination of Perry was then brought to a conclusion, and there followed with the assistance of the sworn interpreter, that of the Rev. Mr. Anderson, who gave his name, occupation, and age, and further stated that he had never been submitted to punishment.

*President.*—You have heard of what you are accused. Did you join in the signature of the Protest in question?

*Anderson.*—Yes, when I heard the expressions used by the Procureur du Roi Möller, I had, in common with the other gentlemen, the same feeling that it was necessary to protest against them.

*President.*—Was Mr. Perry charged with this Protest, and by whom?

*Anderson.*—Perry did not receive a distinct commission to that effect, but as the same had been, for fifteen years, a resident here, and upon occasions presenting themselves had represented the English, it lay in the nature of the case that the Protest and its publication should fall to his lot. He was here, so to speak, the natural organ of the English.

*Procureur-Général.*—Had Perry informed you that the Protest was to be published?

*Anderson.*—A non-published Protest would have been no Protest at all.

*Procureur-Général.*—Was Dr. Perry charged with the publication?

*Anderson.*—I had nothing to do with the publication. Everything was left to Mr. Perry. I tacitly pre-supposed that the Protest would be published, and Mr. Perry is in this respect no more responsible than I am.

*President.*—Were you present at the sitting of the Court on the 18th of September, when the case of Captain Macdonald was tried?

*Anderson.*—Yes.

*President.*—What more particularly moved you to sign the Protest?

*Anderson.*—I felt that the words used by the Procureur du Roi were indefensible ("unverantwortlich"), uncalled for ("unnöthig"), and insulting to the English.

*President.*—How did you understand the expression used by the Procureur du Roi?

*Anderson.*—I heard that he described the English who come to the Continent, as pretentious ("anmassend"), and without shame ("unverschämt"); I do not remember to have heard the word "Lümmel." I heard distinctly that M. Möller spoke of the English who travelled on the Continent, but I am not sure that he spoke of the others.

*President.*—In the Protest published in the papers nowhere it is stated that the whole English nation had been insulted.

*Anderson.*—It does not follow because I did not hear all the words, that they were not spoken. I was obliged to depend upon what I heard from others who understood German better than I did.

*President.*—You ought, however, to have convinced yourself that what was contained in the Protest was correct?

*Anderson.*—I had the full conviction that words had been spoken which were insulting to the British nation.

*President.*—It is, moreover, stated in the Protest, that Captain Macdonald was without just cause apprehended and thrown into a dirty prison.

*Anderson.*—I am still of opinion that Captain Macdonald is innocent; and as regards the prison I have visited it, and cannot say that it is the cleanest place I ever saw.

*Procureur-Général.*—You allow, therefore, that you read the Protest printed in the newspapers, and that you were aware of its intended publication?

*Anderson.*—Yes.

In reply to questions put at the request of the counsel for the defence as to whether the Protest had not been written in the hotel of the "Golden Star," and there read in the presence of Captain Macdonald and the English Consul, Mr. Anderson declares that the Protest had been brought written to the "Star," and had there been signed, after some alterations in the text.

There then followed the examination of Mr. P. F. H. Baddeley, who did not understand the German language, so that the questions and answers had to be translated by the interpreter.

The personal questions respecting name, occupation, &c., were first gone through.

*President.*—Did you sign the Protest published in the Bonn and Cologne papers?

*Baddeley.*—Yes.

*President.*—Did you sign both copies, the German and the English?

*Baddeley.*—Only the English one.

*President.*—Did you know that Dr. Perry had been commissioned to publish the Protest?

*Baddeley.*—No.

*President.*—Were you present at the "Star" when the Protest was read out?

*Baddeley.*—No.

*President.*—Have you read the same through?

*Baddeley.*—Yes.

*President.*—Did you know that it was to be published?

*Baddeley.*—I supposed that it was a mere draft that was later to be discussed, and only after such discussion to be made known.

*President.*—Were you present at the sitting of the 18th of September?

*Baddeley.*—Yes.

*President.*—In what sense did you take the expressions used by the Procureur du Roi, Möller?

*Baddeley.*—I understood them to be directed against the Englishmen travelling on the Continent.

*President.*—It is stated in the Protest that M. Möller had insulted the British nation.

*Baddeley.*—I was of opinion that the words had special reference to the English residing or travelling on the Continent.

*President.*—And so not against the whole English nation? What induced you to consider the expressions used by the Procureur du Roi, as dictated by private hatred against the English?

*Baddeley.*—I concluded that there could be no other reason, inasmuch as the expression used was not directed against Captain Macdonald only, but had a general signification.

*President.*—In the Protest a dirty prison is talked of. Had you convinced yourself personally of this fact?

*Baddeley.*—No, I had been told so.

*Procureur-Général.*—There is one point more to be cleared up. The accused now declares that he did not know that the Protest was to be published. In the preliminary examination he had admitted that such had nevertheless been the case.

[The declaration made by Mr. Baddeley in the preliminary examination was then read to him.]

*Baddeley.*—I certainly knew that a publication was intended, but I thought that a further discussion of the draft would previously take place. I did not know when, how, or where the publication was to be effected.

*President.*—You were, therefore, not of opinion that the Protest, in the form in which it was presented to you for signature, would be published?

*Baddeley.*—No.

The Procureur-Général then moved that the whole protocol of his evidence in the preliminary examination should be read out to him.

Mr. Baddeley thereupon declares it as his opinion, that the publishing of the Protest in the "Times" was only a supposition on his part.

*Procureur-Général.*—Were you not then informed that the Protest was to be published here?

*Baddeley.*—No. When the Protest was submitted to me, nothing was said about its being published. It was brought to my house, where I signed it, under the impression that it would be later definitively drawn up, and then published in the "Times."

The examination of Mr. Baddeley being herewith concluded, the Procureur-Général informs the President that it has just been notified to him that the accused C. T. Thurston, who, at the commencement of the sitting, had not appeared, had in the meantime presented himself; he requested, therefore, that the act of accusation, respecting the latter, should be read out to him. This is done, and the *President* adds, You will be examined in your turn amongst the accused; and, till then, will you be so good as to sit down.

The examination of Mr. Edward Rapp is then proceeded with.

After the personal questions, &c., have been answered,—

*President.*—You have heard the accusation brought against you. Did you sign the published Protest?

*Rapp.*—Yes.

*President.*—Who submitted the same to you for signature?

*Rapp.*—This was done in my dwelling; but who did it, I can't remember. I fully agreed with its contents.

*President.*—Did you know that it was to be published?

*Rapp.*—I could not otherwise but infer it.

*President.*—In the preliminary examination, you stated that you had not known that it was to be put into the newspaper, but, on the contrary, that you had been of opinion that it was a question of a Protest, to be sent in to the English Minister. Were you present at the sitting of the 18th of September?

*Rapp.*—No.

*President.*—Why then did you join in the signature of the Protest?

*Rapp.*—I relied upon what was told me by others.

*President.*—In the Protest are the expressions, "cowardly," and "private hatred;" did the same not appear to you somewhat hazarded?

*Rapp.*—I could not believe that the Procureur du Roi Möller, at the moment that he used these expressions against the English, was speaking in his character of a public servant.

*President.*—If you considered yourself insulted by the expressions of the Procureur du Roi, it was open to you to bring your complaint before his superiors. Why did you not prefer this course?

*Rapp.*—The insult was a public one, and therefore it seemed right that the Protest should be a public one also.

*President.*—Had you brought your complaint against the Procureur du Roi, it would have been equally treated in a public Session of this Court.

*Rapp.*—I was not aware of this fact.

The examination of G. B. Cumberland is then proceeded with, and the President, after asking him the usual questions, proceeds as follows:

You know what you are accused of; was the manuscript of the Protest published in the newspapers submitted to you, and did you sign the same?

*Cumberland.*—Yes. But I declare myself to be innocent, and the Procureur du Roi Möller to be the only person guilty, because he has insulted the British nation.

*President.*—Did you know that the contents of the Protest were to be published?

*Cumberland.*—Yes.

*President.*—By whom was the manuscript of the Protest carried about for signature?

*Cumberland.*—Somebody came with it to my door; who it was I don't know.

*President.*—Did you sign both copies of the Protest; the English and the German?

*Cumberland.*—Only the English.

*President.*—Was Dr. Perry commissioned to publish the Protest in the newspapers?

*Cumberland.*—No.

*President.*—Were you present at the sitting of the 18th of September?

*Cumberland.*—No.

*President.*—How then did you convince yourself of the truth of the facts stated in the advertisement?

*Cumberland.*—I heard the same from trustworthy persons; and I signed the Protest because the English had been denominated by the Procureur du Roi Möller, "blackguards," a thing which never happened to me in the whole course of my life. This last statement of Mr. Cumberland, caused the President to inquire of the sworn interpreter what was the meaning of the term "blackguard." Mr. Brensing hereupon answered, that the word "blackguard" was not easily to be translated into German; the word meant in English about the same sort of thing that in German is expressed by the term "ganz gemeiner kerl."

The examination of Mr. Drummond was then proceeded with.

*President.*—You have heard the accusation against you: did you sign the Protest in question?

*Drummond.*—Yes.

*President.*—Did you know the contents of the same?

*Drummond.*—Yes.

*President.*—Did you know it was to be published?

*Drummond.*—Yes.

*President.*—Was Dr. Perry charged with its publication?

*Drummond.*—I don't know. I only knew that it was to be published.

*President.*—Where did you sign the Protest?

*Drummond.*—In my house.

*President.*—Did you sign both copies?

*Drummond.*—Only the English one.

*President.*—What induced you to sign?

*Drummond.*—The English had been grievously insulted.

*President.*—Were you present at the sitting of the 18th of September, in which this supposed insult took place?

*Drummond.*—No.

*President.*—How did you then know that an insult had been offered?

*Drummond.*—I believed the words of others.

*President.*—By whom were they communicated to you?

*Drummond.*—I don't know. The subject was a matter of general conversation.

*President.*—You relied therefore upon the communication of others?

*Drummond.*—Yes.

*President.*—You had no intention of insulting the Procureur du Roi?

*Drummond.*—No; I only wished to protest.

It was now Mr. C. D. Thurston's turn to be examined.

*President.*—Did you read the Protest signed by you against the expressions of the Procureur du Roi Möller?

*Thurston.*—Yes.

*President.*—You therefore knew the contents of the same?

*Thurston.*—Yes.

*President.*—Did you know that the same was intended for publication?

*Thurston.*—No.

*President.*—What object did you then connect with the Protest? In the preliminary examination you stated that you conceived the same to be for the English Legation.

*Thurston.*—Nothing exact was known to me respecting the matter, but that the Protest was to be put into the public papers was wholly unknown to me.

*President.*—Were you present at the sitting of the Court on the 18th of September?

*Thurston.*—No.

*President.*—You nevertheless held the contents to be true?

*Thurston.*—Yes.

*President.*—On whose communication of the matter did you repose faith?

*Thurston.*—The matter was one of public notoriety, and I believe to this day that these communications were based on truth. In signing my name, however, I had no intention of offering any insult.

The President then goes on to the examination of Mr. T. C. Rochfort.

*President.*—Did you sign the Protest which is the subject of to-day's proceedings?

*Rochfort.*—Yes, but I did not know the contents of the Protest.

*President.*—What then did you think was the meaning of it?

*Rochfort.*—I knew that the English nation had been insulted, and thought that this was a report upon the subject to a higher authority. The Protest was brought to me for signature to my bedside by my wife late in the evening, after I had retired to rest. I had no intention whatever of insulting anybody by it.

The following are the questions and answers connected with the examination of Mr. C. T. Oldfield:—

*President.*—Did you sign the Protest published in the papers?

*Oldfield.*—Yes.

*President.*—Had you read it first?

*Oldfield.*—Yes.

*President.*—Did you know for certain that it would be published?

*Oldfield.*—Yes. I concluded that it would be made known, in order that the Prussian and the English Governments might obtain knowledge of the circumstance. I also supposed that it would be made known in the papers.

*President.*—Was your co-accused, Dr. Perry, distinctly commissioned to undertake the publication?

*Oldfield.*—Mr. Perry, as far as I know, undertook to do so. I signed the Protest, however, and am responsible for it.

*President.*—Were you present, on the 18th of September, during the proceedings against Captain Macdonald?

*Oldfield.*—No.

*President.*—Consequently you depended upon the statements of others?

*Oldfield.*—Yes. I could do so, because Englishmen are not in the habit of telling lies.

*President.*—Did you then infer that the Procureur du Roi Möller intended by his words to insult the whole British nation?

*Oldfield.*—I concluded that the Procureur du Roi Möller had wished to insult the English, and I thought that this behaviour of his should be made known to the Prussian and English Governments, in order that a man should not insult a whole nation without being called to account for it.

*President.*—You thought, therefore, that the expressions used by the Procureur du Roi were directed against the whole British nation?

*Oldfield.*—An insult of this kind, directed against an individual, is an insult against a whole nation.

The Procureur-Général now moves that the examination of all the accused present in Court being ended, the declaration made by Mr. Francis Palmer Washington in the preliminary examination be read out, the same not having made his appearance in Court. This is done; and it appears from the Protocols in question, that Mr. Washington had declared before the inquiring judge that he had signed the Protest, and known its contents, but that he had not known that the same was to be published, and that he had had just as little intention of insulting the Procureur du Roi Möller.

As hereupon the examination of the witnesses for the prosecution was about to be proceeded with, the Procureur-Général remarked that as the first of the accused, Mr. Perry, who had, in the preliminary examination, denied that he had written the Protest in question, had now admitted that he was the author of the same, the prosecution could dispense with the examination of the witness Herrmann Neusser, published at Bonn, as well as that of the Kanzleirath A. Pelman, who had been summoned as a technically competent person.

The Counsel for the defence, Advokat Anwalt Bennerscheidt, with reference to this statement, interposes to correct the introductory remark of the Public Prosecutor. He says Mr. Perry had in no way, during the preliminary examination, denied having been the author of the Protest; he had only on that occasion refused to make any declaration on the subject. After this episode had been disposed of, the examination of the witnesses was proceeded with, who were called out in their order from the witness-room, and sworn before they were examined.

*First Witness.* *August Kohl*, Book-keeper in Neusser's Printing Office, Bonn.

*President.*—In the Bonn paper of the 20th and 21st September of the current year, a Protest, signed by the accused here present, was printed. Do you know who it was who had the advertisement inserted?

*Witness.*—The manuscript of the copy of the Protest drawn up in German was brought by a teacher employed in the institution of Dr. Perry. The English manuscript was only brought to us later by a servant of Dr. Perry's, because the signatures required to be completed.

*President.*—Who paid the cost of insertion?

*Witness.*—The Rev. Mr. Anderson.

*Second Witness.* *Johann Heinrich Becker*, Teacher at Bonn, and employed in imparting Instruction in the Institution of Dr. Perry.

*President.*—Did you take the manuscript of the Protest of the English Residents here in German and English, which appeared in the Bonn newspaper of the 20th and 21st September, to the newspaper office?

*Witness.*—Yes. But I cannot remember whether I also took the English copy.

*President.*—Who commissioned you to do this?

*Witness.*—Dr. Perry requested me to do this.

*President.*—Do you know who took the manuscript of the Protest about for the purpose of collecting signatures?

*Witness.*—No, I don't.

*President.*—Who wrote the German copy?

*Witness.*—I made a copy of it.

*President.*—Who wrote the original?

*Witness.*—That I don't know.

*Third Witness.* *Conrad Joseph Lamberg*, Kammer, President of the Royal Landgericht, in Bonn.

*President.*—You were present at the sitting of the Court of Correctional Police on the 18th of September, and acted as President on that occasion?

*Witness.*—Yes.

*President.*—Will you state what the expressions were that were used on that occasion by the Procureur du Roi, and which called forth the Protest of the accused now before the Court, and will you state the meaning you attached to those expressions?

*Witness.*—The Procureur du Roi Möller began his exposition in the proceedings connected with Captain Macdonald, by observing that the English had an expression to designate a man of education and good manners, namely, the word "gentleman." He went on to state that many of the English who travelled on the Continent did not deserve that appellation; but, on the contrary, behaved in a way which he could only express by designating them as "Lümmel." As far as I can recollect, Mr. Möller did in no way state that all English travelling on the Continent behaved like "Lümmel," but only many of them. This recollection I have of the matter is strengthened by a particular circumstance, viz., that in the sitting in question I put down short notes in writing for the use of the interpreters whose business it was to translate the proceedings into English for the benefit of the then accused, Captain Macdonald. One of these short notes is worded as follows:—"Amongst many English, presumptuous ('anmassend'), shameless ('unverschämt')—'Lümmel.'"—I read at the time the Protest against the expressions used by the Procureur du Roi, published in the newspapers, and I derived from it the impression that it was too sharply worded, and that the expressions used by M. Möller were not recorded in the Protest. Nevertheless, I could not approve of the expressions, even in the form in which I understood them, and had no reason so to approve them, inasmuch as a great deal spoke in favour of the Englishman. I afterwards spoke with Mr. Möller upon the subject, upon which occasion he said that certain pretensions ("Zumuthungen") which had been expressed with reference to Captain Macdonald by the English Consul, as well as the attitude of provocation taken up by the English present in Court, had led him to express himself so sharply. I myself did not remark anything peculiar in the conduct of the Englishmen present; and only once during the sitting had occasion to call an Englishman to order who had put on his hat in Court. My present explanations, however, are only given upon the strength of uncertain recollections.

The President hereupon desires the interpreter to translate the above deposition to the accused; and more particularly to call attention to the fact that the witness had understood the words of the Procureur du Roi Möller in their narrower sense only, inasmuch as the same had said, not that *all* but only *many* of the English travelling on the Continent behaved themselves in a presumptuous, shameless manner, in one word as "Lümmel."

Dr. Brensing does as the President tells him, and further remarks with respect to the meaning of the English word "blackguard" and that of the German expression "Lummel," that "blackguard" meant a thoroughly bad fellow, as for instance, "forger," "rascal," and so on, that is, generally a thoroughly worthless character, whereas under the German word "Lümmel" was to be understood an exaggerated notion of one's own personality and the consequent contempt for external forms of respectability and good manners, but by no means a low and criminal character. However, added the interpreter, I would just as soon not be called either "Lümmel" or "blackguard." Whilst these explanations are taking place with respect to the meaning of the words "blackguard" and "Lümmel" a marked disquiet is observed among the accused. They speak to each other and make it necessary for the President to inform them by the interpreter that if they have any observations to make they have to address them to him the President. Dr. Perry thereupon rose and said: The English here present are of opinion that the word "blackguard" is just as often as not used in a sense that does not imply immorality.

The examination of witnesses is then proceeded with:

*President.*—Did you perceive in the proceedings against Captain Macdonald, that there was anything like passion in the exposition of the Procureur du Roi Möller?

*Witness.*—I cannot say that I did. M. Möller on the contrary spoke much in his usual way.

*President* (The following question is put at the request of the Counsel for the defence.) What do you know of a conversation between the accused Perry and the English counsel with the Procureur du Roi Möller, and in what consisted the pretensions put forward by Mr. Crossthwaite (the counsel) which induced Möller to express himself in the manner described?

*Witness.*—This I cannot remember, I only know that certain pretensions are said to have been put forward.

Dr. Perry here gets up and declares that he had never taken part in a conversation with the Procureur du Roi Möller, that he had never spoken to him, and that he had seen him for the first time in his life at the sitting of the 18th of September.

The counsel for the defence in conclusion, has the question put as to whether the witness had not heard from the Procureur du Roi, that the same had been induced to use the expressions in question, in consequence of the behaviour of Captain Macdonald, or that of the English in the sitting of the 18th of September. M. Lamberg replied, that he could not remember to have done so.

*Fourth Witness. Clemens August Oster,* Landgerichtsrath, at Bonn.

*President.*—You were present at the sitting of the 18th of September?

*Witness.*—Yes.

*President.*—Do you remember what were the words used by the Procureur du Roi Möller, when talking of the way in which Englishmen behaved themselves?

*Witness.*—It is too long ago for me to remember exactly what they were. M. Möller said that the English language contained a word to express a man of noble carriage and respectability of behaviour, the word "gentleman." It was much to be desired that all English travelling on the Continent should behave themselves in conformity with it. This was unfortunately not the case. The impression made upon me by the manner in which M. Möller expressed himself, was that he did not refer to the whole English nation nor to all the English travelling on the Continent.

*President.*—Did the exposition of the Procureur du Roi seem to you passionate?

*Witness.*—No, on the contrary he spoke quite quietly. Nevertheless the expressions used by him made a painful impression upon me, and I wished that they had not been uttered.

*Procureur-Général.*—When you read the Protest of the accused, did it not make upon you an impression directly contrary to what you had heard?

*Witness.*—No, but I found in it expressions which seemed to me totally out of place, because no sort of provocation had been given for them. I mean more particularly the bringing in of the Princess Frederick William and the Royal Family.

The Procureur-Général then moves that the depositions of the witness in the preliminary examination be read out. This is done and it appears from it that M. Oster in the former examination had likewise declared that the Procureur du Roi Möller had not spoken of all the English, but only of those travelling on the Continent.

*President* (at the request of the Counsel for the defence).—Did you at the time construe the words of M. Möller as also applicable to Captain Macdonald?

*Witness.*—I did not mark what was said very accurately, because I never expected that the matter would become so important. But as far as I can recollect, I think I can say with certainty that the expressions had not reference to Captain Macdonald.

*Fifth Witness. Friedrich Wilhelm von Düsseldorf,* Assessor at the Landgericht, at Bonn.

*President.*—Were you present at the sitting of the Court of Correctional Police, of the 18th September?

*Witness.*—Yes, I acted as one of the judges on the occasion, and had therefore to follow the proceedings and expositions.

*President.*—In what sense did you construe the words then used by the Procureur du Roi Möller?

*Witness.*—It is a long time since and I do not know that I marked so accurately the wording of the several circumstances, Mr. Möller, as far as I know, used the words "unverschämt," "grob," and the like. When I read the protest of the English in the paper, it seemed to me that the Procureur du Roi had certainly used the words there recorded, but not in the general signification attached to them in the Protest, but with certain restrictions. I also remember that at the end of his introductory remarks, M. Möller distinctly guarded against his expressions being construed as having reference to Captain Macdonald.

*President.*—You therefore did not hear that the Procureur du Roi, in the course of his observations, referred to the whole English nation?

*Witness.*—No; on the contrary, he spoke with restrictions; and, moreover, his words had no reference to the then accused, Captain Macdonald.

*President.*—Did you, during the course of the Procureur du Roi's exposition, perceive anything passionate, invidious, or in any other way remarkable?

*Witness.*—No; but the exposition left the impression upon me that the words used in it had better have been left out.

*President* (at the request of the Counsel for the defence).—Did you perceive anything like provocation in the behaviour of the English present in Court?

*Witness.*—No; nothing of the sort struck me.

(The circumstance that the three above-named witnesses, the Messrs. Lamberg, Oster, and Von Düsseldorf, had been honoured with the designation of "Herr," as well as with their respective titles, by the Clerk of the Court, when calling over their names, as well as by the President; whereas the accused, at the calling over of the names, were not honoured with the title of "Herr," nor with their respective titles, causes observation, and is construed by the English gentlemen as if an intentional slight were intended to be expressed by it. As we had occasion to hear an expression of disapproval on the subject, we think it right not to leave the matter unnoticed.)

*Sixth Witness. Lambert Hagen,* Advocat Anwalt at the Royal Landgericht, at Bonn.

*President.*—Were you present at the proceedings of the 18th September against Captain Macdonald?

*Witness.*—Yes.

*President.*—Then you heard the expressions used by M. Möller. In what sense did you construe them?

*Witness.*—The Advocate Schöler (Counsel for Captain Macdonald) began his defence by remarking that, as a general rule, in conflicts between Englishmen and Germans, the latter blindly took part against the English. On the present occasion, however, exactly the reverse was the case; the universal impression was, that Macdonald had been infamously treated at the Railway Station, &c. The Procureur du Roi Möller then, on his

side, opened his exposition with the words, "The English boast of having a word in their language which expresses everything which good manners claim at the hands of an educated person in all the circumstances of life; nevertheless, Englishmen, at least those travelling on the Continent, and persons talking English, made themselves remarkable by their arrogance, their want of shame, yes, and I may add, their 'Lümmelei.' Nevertheless, I do not mean to apply this to the accused Macdonald; but it is a general complaint, &c." The President caused the principal contents of this exposition to be translated by the interpreter in the sense that *many* of the English travelling on the Continent behaved in the way above described. The Advocate Schöler construed the words very sharply, and in their widest signification, and complained in his reply, that the Procureur du Roi had hurled so insulting an accusation against all English; he was himself all the more personally sensitive to it, from the fact of his having English relations. As the Procureur du Roi Möller allowed this reply to pass by unanswered, a great sensation took place amongst the public and the English who were present; and I ascribe to this circumstance more than to any other, the fact that the expressions in question have been construed in their widest signification.

*President.*—Did you speak with the Procureur du Roi Möller upon this matter, and did you tell him that it might have unpleasant consequences?

*Witness.*—I certainly did speak with M. Möller about the matter, and made the observation that the Macdonald proceedings would cause a great noise. But this remark did not refer to the observations of M. Möller, but to the affair in general.

*Procureur-Général.*—Did the Procureur du Roi say nothing about the English residing on the Continent?

*Witness.*—No; I know for certain that this was not the case. Mention was only made of persons travelling on the Continent and speaking English.

*Seventh Witness.* *Johann Baptiste Ruland*, Advocat Anwalt at the Royal Landgericht, at Bonn.

*President.*—Were you present at the sitting of the 18th September?

*Witness.*—Yes.

*President.*—Will you state what you know of the exposition of M. Möller on that occasion?

*Witness.*—M. Möller said, in his introductory observations, that the English are so fortunate as to possess in their language a word with which they could express everything which described a man of education and good manners—the word "gentleman." It was, however, unfortunately, often the case that the meaning of the word "gentleman" was lost as soon as Englishmen left their country and came to the Continent, where they behaved with presumption. M. Möller then used two intensifications of the word "anmassend," and in so doing used the expression "Lümmelei."

*President.*—Had the expression used by M. Möller reference to the whole English nation?

*Witness.*—According to my view of the case they had not.

*President.*—You are therefore of opinion that M. Möller only spoke of the English travelling on the Continent?

*Witness.*—Yes; and that not generally, but with restriction, for he did not say all travelling Englishmen, but "mostly," or "most of them."

*President.*—Did the exposition of M. Möller appear to you in any way passionate?

*Witness.*—No; I did not perceive anything of the kind.

*President.*—Did anything strike you in the behaviour of the English present in Court?

*Witness.*—No, I perceived nothing of the kind; on the contrary, I thought that particularly Captain Macdonald had behaved very well.

*Eighth Witness.* *Philip Engelbert Hoffmann*, Railway Inspector at Bonn.

*President.*—You are, in the first place, to give information respecting the manner in which the Procureur du Roi Möller expressed himself in his exposition during the proceedings against Captain Macdonald. Later on, you will have to be examined on other matters.

*Witness.*—When M. Möller began his speech, he said that the English had a word in their language which expressed everything that belonged to a man of honourable character and good education—it was the word "gentleman." Many of the English travelling upon the Continent, however, lost all the characteristics of a gentleman as soon as they had left the ship. They then fell into arrogance, shamelessness, and "Lümmelei."

*President.*—Did the Procureur du Roi speak in this way of the whole English nation?

*Witness.*—No. According to my best recollection, M. Möller said, "many of the English." And I feel all the more certain upon this point, because, immediately after the sitting, I spoke on the subject to my son, and said to him that I could not understand how Captain Macdonald's Counsel had been able to construe the words of M. Möller as applying to all Englishmen.

*Ninth Witness.* *Theodor Thomas*, Proprietor of an English Educational Establishment at Bonn.

*President.*—Were you present at the sitting of the 18th September?

*Witness.*—Yes.

*President.*—You therefore had an opportunity of hearing M. Möller's exposition. Will you state what you know of it?

*Witness.*—I hardly understood one-third of what was said at the sitting in question.

*President.*—Well then, just tell us what you did understand of it.

*Witness.*—The Procureur du Roi said that, in their own country, the English were very amenable to authority; that thousands allowed themselves to be swayed by a constable's staff. It was, however, often the case that many of the English travelling on the Continent did not show themselves so amenable, but often behaved in an improper manner. I also think I heard something about "Lümmel" or "Lümmelei."

*President.*—Did you understand the expressions of the Procureur du Roi as referring to the whole English nation?

*Witness.*—On this point I can answer with a positive, no. I only understood that it often happened that travelling Englishmen behaved in a way they ought not to do.

*President.*—Did M. Möller also speak of the English residing on the Continent?

*Witness.*—No. I heard that he only spoke of travelling Englishmen.

*President.*—Did it seem to you that the Procureur du Roi spoke with passion or in a spirit of animosity?

*Witness.*—No. Not in the least.

*Tenth Witness.* *Christian Schoppe*, Rentier, at Bonn.

*President.*—Were you present at the sitting of the 18th September?

*Witness.*—Yes.

*President.*—Did you hear the expressions used by Mr. Möller?

*Witness.*—Yes. I do not recollect quite exactly the very words used, but I think I can exactly reproduce their sense. M. Möller said that there was a word in the English language which described a man of education and manners; that word was "gentleman." In England one little staff was sufficient to keep thousands in order. But that as regarded the English who travelled on the Continent the matter was otherwise, inasmuch as their conduct often deteriorated into arrogance and "Lümmelei."

*President.*—Do you think that M. Möller meant with these words to characterize the English generally?

*Witness.*—No. M. Möller did not speak of all travelling Englishmen, but said that amongst the English travelling on the Continent there were many who behaved themselves improperly, or that this sort of thing frequently happened.

*President.*—Was there anything of passion in M. Möller's exposition?

*Witness.*—No. I could only infer that he applied his observations to a portion of the English who travelled, and by no means to the whole English nation.

After a short discussion between the Procureur-Général and the Counsel for the defence, the former observed: "The next witness to be examined, the eleventh on the list, is the Advocate Schöler; the same is, however, at present ill, and as proved by medical certificate unable to attend. Under these circumstances I move in virtue of section 5 of the General Administrative Rescript of the 14th October, 1814, that the depositions given by the witness in question in the preliminary examination be read out."

This is done, and the depositions are read. It appears from this that the Advocate Schöler had declared before the Examining Judge that the Procureur du Roi Möller had, in the sitting of the 18th September, said in his exposition, that the English language had in it a word which described the character of a man of good education, manners, and cultivation. That word was "gentleman." In contradiction, however, to the characteristics of a gentleman, the English who travelled upon the Continent behaved with arrogance, shamelessness, and "Lümmelei." In England one man sufficed with a staff to keep thousands in order. On the Continent the English were not to be controlled; M. Möller had, however, guarded against his words being applied to the then accused Captain Macdonald. On the above expressions falling from M. Möller, the English present in Court became to a certain extent excited. He (the witness) also had felt himself disagreeably touched by the remarks. It had also struck him as remarkable that the President of the Chamber, Lamberg, in repeating the words to the Interpreter for the purpose of their being translated into English, had said: *many* of the English travelling on the Continent.

*Twelfth Witness.* *George Francis Crossthwaite*, British Consul at Cologne.

*President.*—Were you present at the sitting of the 18th September?

*Witness.*—Yes.

*President.*—Did you hear the expressions used by M. Möller?

*Witness.*—Yes.

*President.*—What do you remember of them?

*Witness.*—I remember those expressions because I immediately at the time took notes of them. The statement was made that the English, those at least who travelled on the Continent, were known for their insolence, rudeness, and "Lümmelei."

*President.*—This statement, therefore, was not directed against the whole English nation.

*Witness.*—This I did not hear. I only heard the travelling English talked of.

*President.*—Did not the Procureur du Roi confine himself to saying that many of the English who travelled made themselves remarkable in the manner described?

*Witness.*—No. He spoke of the English who travelled in a general way. I noted the words immediately.

*President.*—Did the exposition of M. Möller seem passionate?

*Witness.*—I am an Englishman, and it was therefore natural that the words of the Procureur du Roi should make a strong impression upon me. They seemed to me to be an empty subterfuge. I wished at the time to stand surety for Captain Macdonald. M. Möller did not appear inclined to further this plan, but on the contrary declared that if I brought a petition to this effect before the Court, he would oppose it. It seemed to me as if an exception was to be made in the case of an Englishman.

*President.*—Did you hold this conversation with M. Möller in his office?

*Witness.*—No. I did not find him at home.

*President.*—Where then did you meet with him?

*Witness.*—At Endernich.

*President.*—Did M. Möller on that occasion say that an example was to be made?

*Witness.*—It seemed to me as if it was intended that this should take place; but as far as I can recollect, M. Möller did not say so in so many words. It was a supposition of my own.

*Procureur-Général.*—Did you tell M. Möller when you came to him that the arrest of Captain Macdonald might have unpleasant consequences?

*Witness.*—Yes. I said to him that Captain Macdonald stood in the immediate service of Her Majesty Queen Victoria, and therefore that his arrest might have disagreeable consequences. M. Möller replied: Well, we can let it come to that; we shall act according to the laws.

*Procureur-Général.*—Did not M. Möller say that he would have every possible consideration?

*Witness.*—No. He said to me that he did not think the Court would grant a petition for bail: but that anyhow he would oppose such a petition, because many of my countrymen behaved themselves as if they were not in a civilized country. He then added that an application for enlargement upon bail would be of no use, because a decision would be come to just as quick upon the matter itself as upon the question of bail.

*President.*—(At the request of the Consel for the defence.) Was the accused Perry present at this conversation with M. Möller?

*Witness.*—No. Only Mr. Schmidt of the "Golden Star."

*President.* (At the request of the Counsel for the defence).—There is a doubt with reference to the word "supposition," used by you just now. What did you mean to express when you said it was your supposition that the Procureur du Roi had spoken of the necessity of making an example?

*Witness.*—I wish to express thereby my belief that M. Möller had said that an example must be made. That he actually did say so, however, I cannot maintain; because after so long a time I no longer recollect the matter.

*Procureur-Général.*—Did the Procureur du Roi talk of Captain Macdonald's having resisted the police?

*Witness.*—Yes; he said that Captain Macdonald, as a man of education, ought to have known that one has no right to resist the police.

*Thirteenth Witness.* *Carl Andreas Wilhelm Parow,* Doctor of Medicine at Bonn.

*President.*—Your testimony is desired in order to establish the manner in which Captain Macdonald behaved at the railway station here on the 12th September, and in how far he gave occasion to the Public Prosecutor to express himself in the way he did against him and the English in the sitting of the Criminal Court of the 18th September. Will you be so good as to make your statement on this subject?

*Witness.*—I came on the day on question with my wife to the railway station. We found all the carriages full except one, in which there were still some empty places. Nevertheless, the Englishman, Captain Macdonald, who was in the carriage, made a motion to me not to get in, and remarked that the places were taken. Thereupon, a guard came up and said, "Make haste and get in, as the train is starting." I therefore got in and gave my hand to my wife, who was following me, in order to assist her entrance. Whereupon Captain Macdonald stretched out both his hands and laid them upon the shoulders of my wife, in order to push her back and prevent her entrance. My wife, nevertheless, got in: whereupon a dispute arose, in the course of which the Inspector, Hoffmann, came up, to whom I related the occurrence. M. Hoffmann at first behaved with great moderation, and endeavoured to act as mediator in the quarrel, so that Captain Macdonald received no sort of provocation from him. In the meanwhile, the brother-in-law of Captain Macdonald, with his wife, came to the carriage, in order to resume their places. I demanded thereupon

of the Inspector, places in another carriage, because I did not choose to remain in company with Macdonald. M. Hoffmann tried to induce Captain Macdonald to get out of the carriage: the latter, however, did not comply, but forced M. Hoffmann back with all his might. M. Hoffmann then requested me to get out, and endeavoured to take hold of Captain Macdonald. A violent scene now ensued, for at the same moment the door at the other side of the carriage was opened, and Macdonald was taken out of the carriage by the railway employees who entered from the other side.

The Counsel for the defence, Advocate Bennerscheidt, here rose and said he protested against the examination of Dr. Parow and his wife, and moved that this examination do not take place, as it had nothing to do with the matter before the Court, and would only cause unnecessary costs.

*Procureur-Général.*—The Protest of the defence comes somewhat late, as Dr. Parow has already been examined. It is certainly not to be supposed that the examination of the two witnesses is to be opposed on the plea of costs. If this examination were foreign to the matter in hand this day, I should certainly not have summoned the witnesses. But their depositions are by no means unimportant. In the English Protest which forms the subject of this suit, it is stated:—

"Must they too allow themselves to be dragged out of a railway carriage by the railway servants, called 'dummes Volk,' and 'Flegel' by orthopœdic doctors; or, if they defend themselves, be thrust into a dirty jail for a week," &c.

It is evidently of importance to establish whether that which is maintained in the Protest is true or not, whether Captain Macdonald was rightly or wrongly taken out of the carriage: because, if Macdonald gave no cause for his ejectment, then an injustice was done him. If he gave cause for it then no injustice was done him, and then there was no ground for throwing abusive epithets at the heads of railway officials and of the authorities. The facts maintained in the portion of the Protest quoted by me form an integral portion of the Protest which is the subject of to-day's proceedings. It is therefore of importance to establish in how far they are founded or not. I move, therefore, that the Protest of the defence be thrown out, and that the examination of the witness Parow be proceeded with. I have certainly acted in the whole matter with loyalty,—with such loyalty that I have myself caused witnesses to be summoned whose depositions are to the advantage of the accused.

*Counsel for the defence.*—As regards my motion, that the examination of Dr. Parow and his wife should not be proceeded with, the question certainly does not turn upon a matter of a few groschen more or less of witness-fees. But the defence is of opinion that the depositions of the witnesses in question can exercise no influence upon the result of the matter in hand. If there is a question in the Protest of a dirty prison, those only who were imprisoned in it can give the best information on the subject. The defence, because they were of opinion that the occurrence on the railway had nothing to do with the present matter, have summoned no witnesses on the other side.

*Procureur-Général.*—I am concerned with proving the calumnious object of the Protest. If I can prove that the Protest maintained facts that were untrue, that certainly cannot be considered as an unimportant matter. I renew, therefore, my motion that the examination of Dr. Parow and his wife be proceeded with.

After a short consultation, the Tribunal declares, in consideration of the contents of the Protest, and because it was of importance that the matter should be sifted on all sides, that the motion of the Public Prosecutor was justified, and orders the examination of the witnesses Parow should take place.

The witness Parow proceeds:—

According to my conviction, Captain Macdonald gave sufficient cause for his arrest. He seized my wife with both hands and pushed her back, which caused me to give utterance to the statement that when Englishmen did loutish things ("flegeleien"), they said they did not understand German.

The accused hereupon represent to the President, that they would not listen to the deposition of the witness Parow. The President answers, that the examination of the witnesses forms part of the public procedure, and that the accused must be content to hear that also which conduced to their incrimination.

*Fourteenth Witness.* *Louisa-Helena Friedländer*, wife of Parow.

*President.*—You wished, on the 12th September, to enter with your husband into a railway carriage, and were upon that occasion motioned to go back by an Englishman, who stretched out his hands against you. Will you relate to us the details of this occurrence?

*Witness.*—My husband wished, first of all, to get into the carriage, and was motioned back by a gentleman who sat in the carriage and made use of pantomime to express his meaning. A guard, nevertheless, showed us again to the same carriage, and said, "Get in here." I replied, "That will not do; we have been refused entrance." My husband, in the meantime, got in, and as I wished to follow him, the gentleman who sat in the carriage

made gestures at me, and laid both hands upon my shoulders in order to push me back, without, however, hurting me. I did not allow myself, however, to be turned from my purpose, and took place next my husband. My husband was very much shocked at the behaviour of the gentleman, fell to quarrelling with him, and said, "The English will not understand German when they wish to commit loutish actions." My husband complained to the Inspector, Hoffmann, and as the latter was about to interfere, I saw the Englishman resist with doubled fists; in consequence of which he was taken out of the carriage and arrested.

Whilst the witnesses Dr. Parow and his wife are being examined, the accused give very clearly to understand how disinclined they are to hear these depositions. They talk to each other, take out newspapers and read them, and will not give the slightest attention to the depositions of the witnesses in question.

*The eighth witness*, Railway Inspector *Hoffman*, is once more called up to be examined.

*President.*—You are to give us information respecting the occurrence which took place, on the 12th September, at the Railway Station here, in consequence of which Captain Macdonald was arrested. Explain yourself with reference to the cause of the matter and its issue.

*Witness.*—On the day in question the train which should arrive here about 4 P.M. was somewhat late, and there was in consequence a good deal of bustle when it did arrive amongst the public waiting at the station. I remarked that something was going on in a compartment of the train, and betook myself there. I found Dr. Parow disputing with an Englishman, and observed that the latter had not chosen to allow Dr. Parow to get in. Dr. Parow turned towards me, and desired to be shown to another place because his wife had been pushed back by the Englishman; a brother-in-law of the latter came up while these explanations were going on, in company with a lady, and wished to get in. I told the same, "Keep back, I will give the gentleman another place." The Englishman refused to comply with my desire that he should get out, and, as I persisted in my demand, struck me a violent blow on the chest. Almost at the same moment some employés came in from the other side of the carriage, and the Englishman, as he resisted, was pulled out by the hands and feet, but was not beaten. The above-named lady was in a great state of excitement. The brother-in-law of the stranger then came up to me, and asked what was to happen next. I replied, that I had to draw up a protocol of the occurrence. The first thing done, however, was to telegraph to Aix for the effects of the strangers, which were in the train that had in the meantime gone on. As I was then about to draw up the protocol, the lady came and spoke of low behaviour ("gemeinheit") and the like. I remarked, thereupon, that a lady could not insult me. In order to be able to draw up the protocol, I asked the stranger for his name, which he refused to give me. I then called to a police serjeant, who was standing close by, to whom the same refusal was made. Only after having threatened to arrest him did the stranger throw down his passport on the table, from which I learnt that he was Captain Macdonald. I requested the same then to deposit some caution money, as prescribed in such cases by the rules of the service. When the lady heard this she made some offensive observations, spoke of putting money in one's pocket, and of cheating. It was my turn to get excited, I turned the lady out, and gave Mr. Macdonald in charge to the policeman. I myself was summoned to the Police Office, where I made my statement, and was then dismissed.

*President.*—You say, then, that the blow which Captain Macdonald inflicted upon you was a violent one.

*Witness.*—Yes, I never suffered from pains in the chest, and I did so the day after the occurrence, and I could therefore only ascribe this to the blow I had received.

*Fifteenth Witness.* *Philip Zarnack*, Superintendent of the Arrest-House, at Bonn.

*President.*—On the 12th September last, Captain Macdonald was taken to the Arrest-House here. You are to give information as to the manner in which he was taken care of, and how the locality in which he was confined is circumstanced. In the protest known to you, signed by the accused, now before the Court, it is stated that Captain Macdonald had been thrown into a dirty prison.

*Witness.*—Captain Macdonald was brought to the Arrest-House, after locking up on the evening of the 12th September, when I was out. When I came home at 11 o'clock, I was told that an Englishman had been brought in. He was in the Debtors' Prison, where there are bedsteads. I wished to see after him, but found that he was asleep. The next morning I went to him and asked him whether, with reference to his keep, there was anything he desired. He asked for coffee, which was brought to him. Upon my asking him whether he would keep himself, he agreed to this. I then asked him whether he would remain in the apartments inhabited by me, which he also accepted. I also allowed him to occupy the room used by the Judges and Advocates when the same have business in the Arrest-House; so that Captain Macdonald was during the day-time either in this room or in my own apartments. At night he occupied the Debtors' Prison, which consists of three rooms opening into each other. He slept in the first of these rooms, where stands a bed provided with a mattress. Captain Macdonald procured his food from the "Golden Star." The localities of the Debtors' Prison are entirely separated from those

destined for other civil prisoners. Captain Macdonald was so pleased with the way in which he was treated that he thanked me for it. Later, after he had been dismissed, I accidentally spoke with the Rev. Mr. Anderson upon the subject, who also expressed his thanks for the good treatment which Mr. Macdonald had met with.

*President.*—According to what you say, you treated Captain Macdonald with great consideration. What induced you to do so?

*Witness.*—He seemed to me to be a gentleman.

*President.*—In the newspaper, however, it was stated that he had been thrown into a dirty prison?

*Witness.*—I must leave it to others to determine whether the prison was dirty.

*Procureur-Général.*—It is moreover maintained that he lay upon a miserable pallet?

*Witness.*—That is not true: he lay upon a perfectly new bed.

*Procureur-Général.*—Was there not some talk between you and Macdonald about the bed?

*Witness.*—Yes, he said that he was fully satisfied with his bed.

*Procureur-Général.*—It has further been said that in the next room there was a criminal who could have access to him?

*Witness.*—That is not true: the Debtors' Prison is totally separate from the localities destined for the other prisoners.

*Procureur-Général.*—You said that Captain Macdonald had thanked you for your humane treatment of him?

*Witness.*—Yes, he did so.

*Procureur-Général.*—Did you not show him the whole arrangements of the Arrest-House?

*Witness.*—Yes. Captain Macdonald told me he had once, when he was a young officer, had the guard of a prison, and that he therefore was interested in the matter. After having seen the arrangements, he expressed himself very favourably respecting them.

*Procureur-Général.*—Did not another gentleman thank you in the name of Captain Macdonald?

*Witness.*—Yes, the Rev. Mr. Anderson took occasion to tell me that Mr. Macdonald had arrived in London, and that he thanked me for his good treatment of him.

Mr. Anderson is then called up, and the deposition of the witness read to him, with the remark that the same stands in remarkable contradiction to the contents of the Protest, in which a dirty prison is talked of.

*Anderson.*—I can only repeat that it was not the cleanest place that I ever saw, and that it might have been cleaner.

*Witness.*—The remark of Mr. Anderson probably refers to a tub which stood in the next room for the deposit of evacuations. Mr. Macdonald used this tub only the first night. Later on, he used an inclosed space in the Court of the Arrest-House. After the close of the witness Zarnack's examination, the President prorogues the sitting at 2·30 P.M., and fixes the next sitting for the following day at 9 A.M.

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*Sitting of the 18th of December.*

The proceedings began at 9·30, and the concourse of the public is even greater than on the previous day.

The President opens the sitting as follows:

We have now arrived at the point of the proceedings at which the examination of the witnesses for the defence is to commence. Before this takes place, however, I feel called upon once more to hear the interpreter, Dr. Brensing, in order that a more accurate statement may be made with reference to the meaning of the words "Lümmelei" and "blackguard." The main point to be determined is, in what way the word "Lümmelei" is to be correctly rendered in English. In German, we understand under the word "Lümmel," a rude, unpolished fellow. The question is, whether and how far the word "blackguard," used in the English text of the Protest, answers in the English language to the meaning of the German word "Lümmel."

The interpreter, Dr. Brensing, complies with the request of the President, and gives his declaration to the effect that nobody could be called a blackguard without a shade of immorality, and a reproach of immoral conduct being thrown upon him. A blackguard could even be externally a man of refinement and education, but at the same time morally degraded. He could, however, at the same time also have something of the "Lümmel" about him. On the other hand, the case was also possible that a gentleman could behave as a blackguard without yet being one. The word "Lümmel" could, however, in no way be translated by "blackguard." The word "Lümmel" was a climax—an expression of culmination; as, for instance, it might be said of some one who showed by his outward conduct that he was presumptuous, and that he considered himself entitled to throw all considerations of decent conduct aside, that such a one behaved himself in a *presumptuous, shameless,* and "*lümmelhafte*" way. This would, for instance, be the case if somebody in good society were to sit upon a chair and stretch his legs over the table.

*President.*—How then would you translate the word "blackguard" into German?

*Dr. Brensing.*—Somewhat to the effect of "Schurke" or "ganz gemeiner Kerl."

*President.*—According to your view, then, the word "blackguard" means a person morally degraded?

*Dr. Brensing.*—Yes. There is always the notion of censure upon a man's moral conduct connected with it.

*President.*—There is, therefore, something worse implied in it than is implied in the German word "Lümmel?"

*Dr. Brensing.*—Yes. It is insulting, because it implies immorality—"Sittenlosigkeit," want of *morals*, and not only "ungesittet," want of *manners*.

*President.*—How then would you translate the word "Lümmel" into English?

*Dr. Brensing* (after a short hesitation).—I would be inclined to translate it by the word "lubber."

During this linguistic discussion, considerable disquiet is seen to prevail among the accused, showing that they are not satisfied with these explanations of the interpreter. Dr. Perry rises, and declares that according to his opinion, as well as to that of his co-accused, the word "blackguard" is often used without the sense of immorality being attached to it. An Englishman had distinctly told him that the word "blackguard" was translated in a dictionary of recognised merits with the German word "Lümmel."

Dr. Brensing goes on to say:—

In the houses of the English nobility or at Court, the people who in former times used to be employed on the lowest and dirtiest kind of services, as, for instance, the baggage boys ("Trossbuben") were termed "blackguards." These people made themselves remarkable by their low and brutal behaviour. Later the word came to be employed for other people, who led an immoral, dirty sort of life. This is the explanation of the word "blackguard;" I have found in an English dictionary.

Mr. Anderson rose, and said the Procureur du Roi Möller anyhow used the word "Lümmelei" to designate the strongest contrast possible to the word "gentleman." That was quite sufficient, and the question did not turn upon the subtle distinctions which could be drawn between the meanings of which the words used were capable.

The Counsel for the defence, Advocate Bennerscheidt, observes, that inasmuch as the Procureur du Roi Möller had begun his exposition by referring to the meaning of the word "gentleman" as a term which expressed everything which a good education and cultivation implied, it was very natural for the English to understand under the word "Lümmelei," which had been used in contrast to it, that which in the English language was expressed by the term "blackguard."

Dr. Brensing hereupon declares in conclusion, that he would not translate the word "Lümmel" by "blackguard."

After this linguistic discussion had been brought to a close, the President proceeded to the examination of the witnesses for the defence, who, after they had all been in the usual manner warned to speak the truth, were taken to the witness chamber, from which they were called out in order, and, before being examined, sworn.

*First Witness for the Defence, Josepha Klein,* Wife of Mr. Hëyden, of Cologne.

The witness was present on the 12th September, at the conflict which took place between Captain Macdonald and Dr. Parow, as also the Inspector Hoffmann, and is to be examined with regard to that occurrence.

*President.*—You happened to be on the 12th September, in the afternoon, at the station of this railway in the same compartment which the English Captain Macdonald, then arrested, occupied. What did you see of that which took place in the compartment?

*Witness.*—I saw that a gentleman and lady (Dr. Parow and his wife) wished to get in, and that the Englishman (Captain Macdonald) motioned to them not to get in; and upon the lady (Madame Parow) nevertheless entering, that he placed his hand upon her shoulder. Whereupon a dispute arose, and the gentleman who accompanied the lady (Dr. Parow) said to the Englishman, "Sir! you are a lout; you are a rude lout." And upon the Inspector arriving, he said to him, "Take out this rude lout from the carriage,—with this rude lout I will not travel." Thereupon a further dispute arose between the Inspector and the Englishman, and the latter was then pulled out of the carriage.

*President.*—Did you see whether the lady was pushed back by Captain Macdonald?

*Witness.*—No. He only placed his hand upon the shoulder of the lady, but did not push her.

*President.*—Did you see whether the Inspector Hoffmann was struck by Captain Macdonald?

*Witness.*—No. I could not see whether this took place.

*President.*—In what way was Mrs. Parow touched by Captain Macdonald?

*Witness.*—He only laid his hand gently on her shoulder. Upon Mr. Parow's asking her whether she had also been pushed, she answered with a No!

The Procureur-Général then asked the witness whether she understood English.

She at first answered in the negative, but then said that she did understand a few words.

After this statement, the Counsel for the defence put the following question:—It has come to my knowledge in the way of a mere rumour, and not at all authentically, that Mr. Parow had after the occurrence said to the witness Heyden, in the railway carriage, that she should not make her knowledge of the matter known, lest she should be placed

under the necessity of frequently appearing as a witness. As before stated, this is a mere rumour; nevertheless, I must request, in the interest of my clients, that the witness be examined on this point.

The witness answers hereupon:—The railway officials had drawn up a list of the persons who knew about the occurrence, and had noted me down in it. In the course of conversation with respect to the occurrence, the disagreeableness of having to appear as a witness was talked of, and Mr. Parow promised that he would cause the erasure of my name. Nevertheless he did not do so, and I did it myself. This will have been the reason of my not having been summoned at the preliminary examination.

*President* (addressing Madame Parow).—From the statement made by the witness it would appear that Captain Macdonald only touched you gently with *one* hand.

*Mrs. Parow.*—No: with both hands, but he did not push me, nor have I said that he did so. The lady (Mrs. Hëyden) could not see whether I was laid hold of with one hand, or with two.

*President* (to the Witness).—Did Dr. Parow, without more ado, and before Captain Macdonald had touched his wife, use the word "Flegel?"

*Witness.*—Mr. Parow and his wife had already entered the carriage and taken their seats, when the word was used.

*President* (to Dr. Parow).—Do you still maintain that your wife was seized hold of by Captain Macdonald with both hands?

*Dr. Parow.*—Yes, most decidedly; however, I must distinctly deny that I had any interest in assisting Madame Hëyden to get her name erased from the list drawn up by the Railway employés.

Dr. Parow then observed that the interpreter Dr. Brensing had left a passage of the former depositions untranslated. Dr. Brensing refutes this observation, and says that it is altogether without foundation. After this discussion is brought to an end, the Counsel for the defence asks whether Dr. Parow was summoned as a witness to the sitting of the 18th of September, and if not, why this had not taken place.

The Procureur-Général answers this question to the effect, that Dr. Parow had been summoned to the office of the Juge d'Instruction for the preliminary inquiry in Captain Macdonald's case on Friday, September 14th, for the purpose of being examined. That Dr. Parow had appeared there towards evening, but had not been examined because, after the examination of the Inspector Hoffmann, this was not considered of importance; that, moreover, the wish had prevailed to hasten the matter in every possible way, and, if possible, to bring it before the Court already on the following day, Saturday. Moreover, that Dr. Parow had then wished to undertake a journey of pressing importance to Berlin. The Procureur-Général observes in conclusion, that for his part he had disapproved of Dr. Parow's not being cited.

The examination of the witnesses for the defence is then continued.

*Second Witness for the Defence, Peter Dernen,* Merchant, in Bonn.

*President.*—Were you present at the sitting of the Court of Correctional Police on the 18th of September?

*Witness.*—Yes.

*President.*—What can you state with reference to the expressions used by the Procureur du Roi Möller?

*Witness.*—I can say nothing positive with regard to the individual words; I can only give the general impression. M. Möller said, that in London thousands could be swayed by a single constable, but that when Englishmen travelled on the Continent, they behaved themselves in a disreputable and presumptuous way.

*President.*—Was there nothing in the speech of the Procureur du Roi about the English nation?

*Witness.*—No.

*President.*—Nor of the English resident on the Continent?

*Witness.*—No: only of the English travelling there.

*Third Witness. Peter Hubert Cillis,* Gymnasial Student.

*President.*—Were you present at the sitting of the 18th September?

*Witness.*—Yes.

*President.*—What words did you hear used on that occasion by M. Möller with reference to the English?

*Witness.*—The Procureur du Roi said that the English who travelled on the Continent were full of pretensions, and made themselves remarkable by "Anmassung, Frechheit, and Lümmelei."

*Fourth Witness. Peter Joseph Pelmann,* Merchant, at Bonn.

*President.*—Were you present at the sitting of the 18th of September?

*Witness.*—Yes.

*President.*—Can you state what Möller said on the occasion?

*Witness.*—It is so long ago that it is impossible for me to reproduce his words exactly. M. Möller said that the English who travelled on the Continent, or a part of them, made themselves remarkable by "Lümmelei."

*President.*—Did M. Möller speak of all, or of most, or of only a part of the English, who travelled on the Continent?

*Witness.*—This I can no longer say, but I know for certain that he used the word "Lümmelei."

*President.*—Did the Procureur du Roi not use the expression in a restricted sense?

*Witness.*—I can't remember.

*Fifth Witness. Joseph Krewal,* Rentier, in Bonn.

*President.*—Were you present at the sitting of the 18th of September?

*Witness.*—Yes.

*President.*—Then you heard the expositions of the Procureur du Roi Möller. Will you tell us what you know of it?

*Witness.*—It is too long ago for me to remember anything but the general sense of his speech. As far as I can recollect, he said that the English language contained a word which designated a man of education; that word was "gentleman." The English who travelled on the Continent, however, did not deserve the appellation, because they behaved themselves in a presumptuous and shameless manner, or, as we say in German, "Lümmelhaft."

The Counsel for the defence then asks whether the witness did not, when in the evening he read the Protest of the accused in the newspapers, consider that the same was correct, as far as the words of the Procureur du Roi Möller were concerned. The witness answered, that this could very well have been the case; but that at present he could not recollect the words so correctly.

There is one more witness for the defence to be examined, but the defence waive his examination.

As the debate now seems to be brought to a conclusion, the Counsel for the defence, Advocate Bennerscheidt, rises, and speaks to the following effect:—

"Gentlemen,—I am well aware that my position, as Counsel for the defence in this case, is of a somewhat delicate nature. I have to discuss and criticize expressions—expressions which I may already hint nobody approves of—used by a man for whom I have personally a high respect, who is held in great esteem by all his colleagues, and whose usually refined and facile mode of expressing himself is the delight of those who have the honour of a closer acquaintance with him. Nevertheless I shall have to treat the matter in hand without any regard to the person concerned, though, of course, with the avoidance of all unnecessary personality. The expressions used by the Procureur du Roi Möller, which were the cause of the newspaper article which has been under discussion to-day, have been reported differently by the witnesses, as could not very well otherwise be the case. The witness, Kammer President Lamberg, deposes that he thinks he can remember that M. Möller said, 'Many of the English who travel on the Continent behave themselves with presumption, shamelessness, and "Lümmelei,"' and M. Lamberg adds, that with a view to the interpretation of M. Möller's exposition, he had taken notes, and that amongst these notes the word "many" was to be found. The witnesses, Oster, von Düsseldorf, and Thomas, say that they cannot exactly recollect the words of M. Möller, but that the impression made upon them was, that M. Möller had by no means meant to describe all the English travelling on the Continent. The witness, Hoffmann reports in a similar sense, and says that immediately after the proceedings, he had spoken to his son to the effect that Captain Macdonald's counsel had unjustly remarked, that M. Möller had insulted *all* the English, inasmuch as he had only spoken of *many.*

"The other witnesses, whose trustworthiness is just as much above all doubt as that of the persons already named, understood the words of M. Möller in a more general sense. The witness, Advocate Ruland, said that the words were the following: 'Most of the English who travel,' or 'the English, mostly, behave themselves with presumption, &c.' M. Schape reports the words as 'the English who travel on the Continent,' and thinks it possible that this more general description may have been followed by a restriction. Messrs. Dernen, Cillis, and Krewel, depose to the words having been 'the English travelling upon the Continent,' and so also, only with less positiveness, the witness Pelmann, Messrs. Hagen, Crossthwaite, and Schöler depose (and this is of the greatest importance, their depositions coinciding verbatim) that the words had been as follows: 'The English, at least, those who travel on the Continent, behave themselves with presumption, &c.' Messrs. Crossthwaite and Schöler state that they put the words to paper immediately. M. Schöler in his rejoinder charged M. Möller with having insulted *all* Englishmen. *M. Möller did not contradict this interpretation of his words,* and M. Hagen expresses his opinion that he did not give in his adherence to them, and further adds that M. Möller had spoken of persons who being on the Continent talked English. All the witnesses heard that M. Möller distinctly declared that with the words in question he had not intended to designate Captain Macdonald, and it appears from a conversation, reported by M. Lamberg as having taken place between himself and M. Möller, as well as from the defence of M. Möller to which I have had access, that he had not used those words with reference to the person of Macdonald, but that he had been induced to use them in consequence of what seemed the extraordinary behaviour of the English who were present in Court and who stood about him. This circumstance is of great importance as showing the frame of mind in which M. Möller was, because all

the witnesses, namely, Messrs. Lamberg, Oster, and von Düsseldorf, who were questioned on this point, deposed that nothing struck them as peculiar in the behaviour of the English on the 18th of September. The witnesses who invest the words of M. Möller with a more or less general meaning depose quite positively, and are not forced to have recourse to the additional remark, 'I think I remember,' or 'I cannot remember the words exactly.' I look upon it, therefore, as proved that the words had a general meaning to the effect that the English who travelled on the Continent, &c., and I consider myself all the more justified in arriving at this conclusion, because M. Möller left unanswered the charge of having insulted *all* the English. M. Möller could not but be certain that his words would call forth a rejoinder, and his silence is a proof that the construction put upon them by M. Schöler was the correct one.

"But, even if you assume, Gentlemen, that the accused are not in a position to prove the *ipsissima verba*, it must, nevertheless, be unhesitatingly allowed that they wrote and signed the words in the Article in question in perfect good faith. But, rejoins the Public Prosecutor, what he had really meant was repeatedly pointed out in the course of the proceedings, it is proved that M. Möller did not use the words 'Englishmen *residing* on the Continent,' and the perfidious object in the introduction of the word *residing* is clear. The accused reside here, and it was necessary therefore for them to prove by this word that they were alluded to; it was also necessary for them to create two categories, in order to find room in the one for the Princess Royal, who resides on the Continent, and another for the Queen who is travelling on the Continent. I only see in the sentence 'that the English residing or travelling on the Continent are known for their presumption, &c.,' a fault of grammar. It was impossible that the accused could have wished to maintain that M. Möller had said 'the English residing *or* travelling on the Continent,' because if M. Möller had added the word *residing* he must have used the conjunction 'and.' Whoever drew up the article must clearly have intended to express that M. Möller had said 'that the English travelling on the Continent' (or 'that the English residing on the Continent, &c.'). The accused are staying here with a passport; they are still Englishmen, and it would be absurd of them were they not to be of the opinion that they were touched by a sentence in which reference was made to the English who travelled on the Continent. There is further to be taken into consideration that, according to the deposition made for the first time to-day by M. Hagen, M. Möller had spoken of persons who spoke English on the Continent; and amongst these persons the accused are clearly to be reckoned; so that the charge of the Public Prosecutor above referred to is unjustifiable, even if my grammatical interpretation is not adopted.

"The unfortunate words that have already been so often reproduced, express in so far as social qualities are concerned the most damaging judgment, and even if they do not attack the whole English nation as 'universitas,' at all events touch the national honour of every individual Englishman; and it seems to me, therefore, indifferent whether or not M. Möller used the actual word 'nation.' I take the sense of the words to be: 'In the Englishman, there resides the qualities potentially of behaving like a "lubber" ("lümmelhaft.") This quality in England lies dormant, but is quickened into life as soon as the Englishman touches the Continent.' The hard words of M. Möller fell from him not only *in spite of* the presence of the many English, which nobody could be ignorant of, but, according to his express declaration, *on account of their* presence. M. Möller did not wish by using these words to adduce anything towards the solution of the case of Captain Macdonald actually before the Court; and consequently what he said was distinctly separate from his official duty: it could therefore very well be maintained that what was said and done with reference to these words of M. Möller did in no way touch him in his official capacity.

"Gentlemen, freedom of speech is the most glorious weapon of the freeman. The English are so fortunate as to be used to the employment of this weapon. They turn it against every one, and namely against their own officials. They have none of that stool-of-penance feeling which haunts the citizens of so many other States when they have to contend with the authorities; and they do not allow the custom to prevail that the official, who is after all only the servant of the State, should, besides his official duties, also vindicate to himself the privilege of insolence.

"Considering these circumstances, every one who was present at the sitting of the 18th of September foresaw that a Protest would follow; and no one who knows the plucky nature of the English could doubt but that such a Protest would, at all events, avoid the fault of timidity. The Protest was made, and is considered as containing an insult against M. Möller, in the exercise of his public functions. I have already pointed out that a doubt may well be entertained as to whether there can be a question as regards the *public functions* of M. Möller. I will, however, not urge this point, and need not do so, as I am of opinion that there is no question of any insult whatever. In treating this matter, it is above all things necessary to keep in mind that M. Möller is not a judge, and that if in his position as party to a process he goes out of bounds, he must be content to have such excesses answered.

"The first sentence upon which issue is joined is as follows:—'In the meanwhile, we cannot understand how the representative of the Prussian Crown can allow himself to be led away by private hatred to cast abuse upon a whole nation, to which the wife of His Royal Highness the Crown Prince belongs.' What is the meaning of these words? I consider it to be the following:—On the 18th of September, M. Möller had only the special case of Captain Macdonald to dispose of, and he brings forward the words

complained of, not in order to establish his accusation against Captain Macdonald, but principally to hurt the feelings of other Englishmen. This M. Möller himself owns to. Consequently, M. Möller, without any reference to his official purpose, expressed, in the form of a malicious side-blow, his personal—certainly by no means favourable—views with respect to the English. Hence it is not said that M. Möller had acted in his official capacity with private hatred, but only that upon the occasion of an official procedure he gave vent to his hatred against persons who had nothing whatever to do with his official business. Consequently, this sentence cannot be looked upon as transgressing the bounds of necessary vindication. According to Section 154 of the Criminal Law, expressions used in the defence of one's right, only became punishable when the form is insulting, or when the intention to insult can be proved. I do not understand, under the word "right," mere positive privileges, but include in the term the right so highly prized by the English of safe-guarding their national honour; and I maintain that even if the sentence in question contains a disagreeable truth, it is this truth, and not the form in which it is told, which is the factor in the case.

"The second sentence upon which issue is joined is as follows:—

"'As the feeling of hatred which the Procureur du Roi seeks to excite them will allow,' &c.

"It is evidently not maintained here that M. Möller, as it were, made it his business to excite hatred against the English, but it is only pointed out that the bad character given to the English by M. Möller must excite hatred against the English; all that is done is to draw attention to the necessary psychological effect of his words. Hence this sentence contains nothing but a dry mathematical truth, and so long as such a truth is not a misdemeanour, it will be impossible, on account of this sentence, to throw blame upon the accused.

"The third sentence is as follows:—'That so uncalled-for and cowardly an attack should be made against a whole nation, &c.' The attack was undoubtedly uncalled-for, and I will therefore abstain from any remarks upon this point; and as regards its being 'cowardly,' certainly no great personal courage is required in a high official position to injure the feelings of persons who are present, but who are not in a position to speak, and those of millions of persons who are not present. M. Möller described the English who travelled in a way which, if his description were a true one, would make it necessary for every respectable person to leave a table at which an Englishman had accidentally sat down. I will allow that the expression 'cowardly' was an exhaustive one, but I will not allow more than this, and I here also refer to Section 154 of the Criminal Law.

"Should you, nevertheless, Gentlemen, be of opinion that an insult is proved, I need not at all events go into details to plead the presence of extenuating circumstances. Provoked by an attack that passed all bounds, they put forth their Protest in the first moment of excitement; and we all know that much of the English Press, that a criticism like that at present under discussion would not, in England, have led to an action. The English attack their highest officials with much less provocation than was here the case, much more sharply than M. Möller has been treated. The public prosecution brought in the Macdonald affair yesterday in a manner decidedly favourable to themselves—to-day in a manner decidedly unfavourable; the Public Prosecutor has also hinted that he would lodge a complaint with reference to the sentence in which a dirty prison is talked of. Neither of these points has anything to do with the question of the supposed insult offered to M. Möller, and I will therefore leave it to the public prosecution to bring these points into their proper place in the proceedings of the trial."

The Procureur-Général answers the above exposition of the defence in a lengthy speech, something to the following effect:—

"Gentlemen,—The Macdonald case, and the expressions used by the Procureur du Roi Möller in connection with it at the sitting of the 18th of September, have obtained a celebrity which they have in nowise deserved. They owe the same to the gross distortions of truth and justice, which in despite of all propriety and right have been published in the English press, whose inspirations were derived from name, and which in the form of Protests and of most unmeasured attacks have broke in upon us like a flood. A one-sidedness in the judgments passed upon the question, has been the result which we can only look upon as a mere insult to the principle of the 'audiatur et altera pars.' Everything that was done was condemned, and the widest circulated paper of England did not shrink from casting its anathema against Prussia, and stated that our laws were made by savages and administered by ruffians. Such blackguardisms, however, don't fall upon those against whom they are directed, but recoil upon those from whom they emanate. The voice of the press brayed louder than a war trumpet; the whole English nation saw itself mocked at and misused, whereas there is no nation which can less complain of a want of sympathy than the English. We all admire the creative mind, the activity, the energy, the independence, and the free institutions of the English, which we have constantly paid homage to. Loud as was the joy which resounded through the country when the daughter of the British Queen was married to the heir of our throne, so on the other side it was deeply felt to be a violation of good feeling to drag Her Royal Highness in so unworthy a manner into a dispute between subjects of the two countries. It would be melancholy however, if the bonds that united friendly nations could be torn asunder in so high a manner. Nevertheless, we are not here to talk politics, but to exercise justice. Equal justice to

high and low, to foreigners and to denizens of the country, has ever been the glory of this tribunal. An enemy of all bureaucratic arrogance, I take my ground upon the purely objective merits of the case, caring nothing about the noise of the press, caring nothing whether a letter in the 'Times' reproaches me with having made it my task to be a partizan, with having created obscurity there where I ought to have thrown light. It never came into my head to try and hush up any injustice in the Macdonald affair; this is an act I shall never be guilty of. In the present matter I have acted with the loyalty which becomes a Prussian official. I have caused all the witnesses to be summoned that have been proposed on the other side. I have summoned, in the person of Dr. Brensing, an interpreter who is furnished with the most thorough knowledge of the English language, who has fulfilled his difficult task with the greatest impartiality. And now to come to the matter in hand, I deeply lament that I have on account of the article in question, to prosecute honourable men, for many of whom I have the highest esteem I repeat that I deeply regret this. As regards the objective facts connected with the offence of which these gentlemen are accused, Section 102 of the Criminal Law, is that which has to be taken into consideration. That paragraph is worded as follows:—'Whoever shall by word, writing, printing, drawing, by pictures, or any other mode of representation, insult one of the two Chambers, or a member of either of the two Chambers, or any other political corporation, or a public office, or a public officer, or a servant of religion, or a member of the armed force, or a juror, or a witness, or a person called upon to give technical evidence ("Sachverständiger"), whilst the same are employed in the exercise of their calling, or shall insult them with reference to their calling, shall be punished with imprisonment for a term varying from one week to a year. If the insult bears the character of a calumny, the penalty is to be imprisonment from fourteen days to eighteen months; and if the calumny has been publicly put on record, imprisonment from one month to two years. If attenuating circumstances can be proved, then the punishment in all cases can be changed to a fine varying from 10 to 300 dollars.' To fulfil the objective conditions of such a case, therefore, it is necessary that an insult should have taken place, and that, against a public officer in the exercise of his calling. In the present case an insult of the kind was offered by the publication of the Protest. In the publication of it, however, the accused are not all equally concerned, and I must be allowed, with reference to this, to go back to the several depositions. In fact, I have only to do with the accused Perry, and with him alone. Upon his being first examined, he refused to state who had drawn up the Protest. In the meantime the manuscript was seized, and this was telegraphed to Cologne. From the answer received the inference could not but be drawn that Dr. Perry had given an incorrect statement. He declared then before the Juge d'Instruction that he had been in possession of the manuscript, and he thought that he could give proofs that the Procureur du Roi Möller was filled with personal hatred against the English. That the Protest was to be published could well be inferred; this was in accordance with English customs. By signing his name he had given his acquiescence to the publication. In consequence of this evasive declaration of Perry there remains no other course open but to determine, by means of a person technically competent, whether the manuscript was in Perry's handwriting or not. It was only yesterday that he changed his tactics and said: 'I am the person who drew up the Protest, and who took measures for its publication.' Would a man who is not obliged to own to himself that he had done wrong, have allowed the authorities to have gone so long looking about for proofs? I ask whether this is the consciousness of a good conscience. I ask whether this is the conviction of a man who has acted right. But enough, Perry has now confessed that he was the author of the Protest and that he was the person who originally caused its distribution. A portion of his co-accused have not admitted that they took part in the publication of the Protest. They all signed it, but they did not all know that it was to be published. The accused, Anderson, Cumberland, and Drummond, however, knew this, as they themselves declare. I now come to the remainder, and I have to show that they also knew of the publication. There is first of all, Baddeley. He thought that the Protest was to be made known in the 'Times,' but fancied that the draft was to be previously further discussed. Then as regards Rapp, this defendant says, that Perry had been 'l'homme de confiance' of the English; he had certainly supposed that the Protest was intended for publication. Oldfield maintains that he knew nothing of the publication. Rochfort declares that he had not even properly read the Protest, and that he knew nothing of its publication. Thurston maintains equally that he knew nothing of it. I am not without some grounds for surmising that the above-named accused were not ignorant with reference to the publication, as they make themselves out to be; but this at all events admits of doubt, and a doubtful case of this kind is not sufficient for me. I shall, therefore, move for the acquittal of Messrs. Baddeley, Rapp, Oldfield, Rochfort, and Thurston. There is yet the accused Washington to be disposed of, who has not made his appearance. The same declared before the Juge d'Instruction that he signed the Protest without knowing anything of its intended publication. If this statement of his is correct, then it tells against Perry, who kept his object dark. It is evident that all he cared for was to obtain a number of signatures. Washington was only seventeen years of age, and had not grown out of a schoolboy. I leave it to your judgment to determine what one is to think of alluring boys, and of getting Protests signed by them.

"Gentlemen, I have yet one more observation to make. The accused have one and all declared that they had been publicly insulted, and that they were therefore forced to make a public defence. I here ask you since when can it be maintained that in Prussia no

justice is to be found, when a man turns to the proper authority for it? Had the accused betaken themselves to me, the immediate superior of the Procureur du Roi Möller, they would have obtained justice, and no man would have prevented them from making my decision public. If they had not been satisfied with my decision, they might have turned to my superior, and if that did not satisfy them then they might have had recourse to the Minister of Justice.

"But what did the Procureur du Roi Möller say? With reference to this I have to remark that I caused witnesses to be summoned to establish exactly what the expressions of M. Möller were. I did not do this upon the hypothesis that if the statements of the accused were proved then immunity from punishment would follow, and no insult would have been offered, but because the degree of punishment would be affected by it. Now it is certainly true that expressions did fall which were calculated to make an impression upon the accused. Gentlemen, to be just towards the accused, I have no hesitation in now publicly declaring that I did not approve, and to this day do not approve, of the form in which the Procureur du Roi expressed himself. I was unfortunately absent from Bonn from the 11th to the 28th of September. Immediately upon my return, I demanded a written explanation from M. Möller. I shall take the liberty of communicating its contents to you. The same is somewhere to the following effect: 'The Protests in question have reference to words with which the inspiration of the moment furnished me. I am no longer in a position to repeat these words one by one. But as far as I can recollect, I praised the English language for having a word which expressed everything which went to make up the character of a man of good behaviour and of refined manners. The glory of possessing this word, however, would be yet greater if it had grown into the flesh and blood of every Englishman. This was, however, not the case, as the English who travelled on the Continent often made themselves remarkable by their presumption, their want of shame, and their "Lümmelei." This observation, however, was not to be taken as specially referring to the accused, Captain Macdonald. He ought, however, as an officer and a man of education, to have known that it was one's duty to submit to an employé of the Police. In his country, the respect for the Police was so great that a single constable with his staff could keep thousands in check. From this statement of the facts of the case, it is evident that I did not speak in the sense described in the Protest, and that I could not have intended so to speak.'

"I will here add the observation that M. Möller, in a further declaration, said that he had not ignored the doubtful propriety of his expressions; but, on the contrary, that he had immediately perceived it after they had fallen from his lips. Moreover, the chief judicial authority of the country has not approved of the expressions used by M. Möller; but, on the contrary, I will not disguise this from you, has distinctly recorded his disapprobation of them. I will call attention to one more circumstance: the honourable character of the Procureur du Roi Möller is a sufficient voucher for the truth of his declarations; but, in addition to this, the results of the inquiry instituted have confirmed these declarations. Whether the accused, in spite of all this, will continue in suspecting the Procureur du Roi of having intended to insult them, and the whole English nation, is a question I will leave to its own merits; but I think it is high time that we should drop all doubt on the subject. Well then, if one chooses to find in the words of M. Möller something improper and out of place, I have nothing to say against it. After my return the occurrence made the impression upon me, I will openly admit, of injustice having been done to Captain Macdonald up to the moment when he struck the Inspector Hoffmann. Later, however, I came to a different conviction. I regret that Dr. Parow was not at the time cited as a witness, because the matter would then have appeared in another light. Under the first impression the inference could be made that ignorance of the language had been the principal cause of the conflict, and that Captain Macdonald had a right to the places which Dr. Parow and his wife wished to occupy; so that no cause would have been given for the expressions of M. Möller. But let us be just, and at the same time reasonable. If in the public proceedings of Courts of Justice everything were to be taken in so literal a sense, one would never have done with complaints. Every official, every man, commits faults, so I also; and so it could come to pass that I likewise should be traduced before a Court. But the defence also would often turn out to be liable to punishment, if every word spoken were weighed in a balance. The Counsel for the defence has spoken of the right of free speech. No man desires it more than I do. But where would liberty of speech be if every word that fell during the proceedings of justice were to be weighed in a gold balance? In such a case freedom of speech would altogether disappear.

"No man will say that the Procureur du Roi Möller, when he used the expressions that gave offence, was not at the time in the exercise of his office. I am therefore bound to defend him against insults. If the accused now before the Court had merely reported his words, even in a sharper form than they were delivered, and had they protested against them, and had they even been guilty of offensive language against M. Möller, the latter would have certainly seen in these steps only an act of defence against his attack, and the sense of having strictly fulfilled his duty would have sufficed him; and I for my part would not have brought an action against them. In a case of this sort, therefore, I occupy the same ground as that taken up by the Counsel for the defence. But,—and this is what I mean to prove,—the insults contained in the Protest are in my opinion so strong, that it is a duty which my office imposes upon me to proceed against them, after the whole Prussian bureaucracy has been, in the person of one of its officials, attacked and insulted in so unwarrantable a manner. It is now my business to prove that an insult so gross as that

described, really was offered in the present case. The author of the Protest, it is perfectly evident, had no other object in view than to produce a public scandal; and in this he only too well succeeded.

"Gentlemen, I will first of all ask you whether the statements made by the Procureur du Roi Möller, in the report read out by me, are in the main correct or not. I will not deny that the witnesses examined to-day differ on some points. But what witnesses ought one to repose most faith in? Surely more faith should be attached to those who have been occupied with the matter in virtue of their official position, than to individuals out of the public, who, as a rule, are not capable of so correctly apprehending the speeches either of the prosecution or the defence. You will agree with me that those persons who have the habit of acting in public court have more the habit of apprehending what is said, and therefore, as in the present case, deserve more confidence.

"There is, in the first place, the Kammer President Lamberg. I shall not refer to the point as to whether Möller did or did not use the words 'Anmassung,' 'Unverschämtheit,' and 'Lümmelei.' The point of the question is, whether these or similar words were used with reference to Englishmen who travel, or to a portion of the same; or whether they were also employed to designate the English who resided on the Continent. According to the statement made by M. Lamberg, M. Möller said that *many* Englishmen travelling on the Continent behaved themselves, &c. M. Lamberg, however, adds: 'I immediately noted down the words of M. Möller for the benefit of the interpreter, and amongst my notes I find "amongst *many* English, &c."' Here then, Gentlemen, we have a safe *point d'appui* to show that the words of the Procureur du Roi were used in a restricted sense; because the President of the Chamber, the official who directed the whole proceedings, would not otherwise have so written them down. There is, however, more to be added: the Interpreter translates the words in this way, and the Counsel for the defence does not protest against the translation. It is evident enough, therefore, that they must have been correct.

"The next witness, Landgerichts-Rath Oster, equally put a restricted meaning upon the expressions of M. Möller; so also the Landgerichts-Assessor von Düsseldorff. We have, therefore, amongst three depositions that are more particularly trustworthy, not one which goes to show that the words of the Procureur du Roi had reference to the English nation, or to all travelling Englishmen, or to Englishmen residing on the Continent.

"The deposition of M. Lamberg is followed by that of the Advocate Hagen. He says that the conflict in which Captain Macdonald was involved had induced that gentleman's Counsel to observe that in conflicts between Germans and English, the former always took part against the latter. (Here we certainly know nothing of this kind of one-sidedness. Here German and English have lived peacefully side by side, and the English have ever met with a friendly reception.) The witness Hagen remarks further, that the Procureur du Roi had on his side complained of the arrogance, &c., by which Englishmen travelling on the Continent, and persons who talked English, made themselves remarkable.

"Captain Macdonald's Counsel seized these words in a different sense, namely, as if they were directed generally against the English, which led him to make the remark that they were even offensive to himself as he had English relations. M. Hagen adds, that in consequence of the Procureur du Roi not answering this remark of the Counsel for the defence, a considerable sensation had arisen amongst the English present. The same witness however says further, that the President had recorded the words of Möller for the purpose of translation in the sense that *many* English who travelled, &c.

"Consequently there was nothing in the exposition of the Procureur du Roi about English *resident* on the Continent, and not one single witness has deposed to such having been the case. That the words were not such as Advocate Schöler understood them to be, is further shown by a very characteristic statement made by the witness Hoffmann. He says that he and his son had at the door of the Court expressed to each other their mutual astonishment that the words of M. Möller had been interpreted to mean *all* the English, &c. Consequently this interpretation was immediately recognized as an incorrect one.

"We now come to the deposition of M. Schöler, which has been read out to the Court. According to it, the Procureur du Roi declared that his words did not apply to the then accused Macdonald. M. Schöler says further in what sense he understood the words, and that in consequence of them considerable movement had arisen amongst the English present; that he moreover had been struck by the President not having rendered the words as he, Schöler, had understood them. Now, I do not entertain the slightest doubt as to the perfect honour of M. Schöler; but it often happens—and I say this in presence of a number of advocates—that Counsel for the defence catch the statements made by witnesses in a sense favourable to themselves and not always correctly. I can give an instance in point. Last winter this very advocate Schöler, in a case against an employé of the Post Office tried before the Assize Court, put words into my mouth which I had never thought of, and which neither the judges nor the jury had heard, and in consequence received a rebuke from the President of the Assizes. We have consequently in this case a living instance that this very same Counsel has noted down in writing an expression as having been used about which he was mistaken.

"The defence inquires how it happened that M. Möller did not protest against the interpretation put upon his words; and deduces, from his not having done so, that he had accepted the interpretation as the correct one. I did not wish to bring M. Möller forward here as a witness. But I can say that when he heard what fell from M. Schöler, his reason

for not answering was, that M. Schöler's interpretation seemed too glaringly false to require a refutation. He was quite certain not to have spoken of the English who resided on the Continent. Moreover, as regards the habits and manner of M. Möller, whoever is acquainted with them well know that he frequently omits to protest and to answer.

"Gentlemen, allow me to pass over the remaining witnesses except the English Consul, whose deposition I have to refer to. It is true that this gentleman has expressed himself in the same sense as M. Schöler, but he has not done so with full positiveness.

"There remains to be tested whether we consider the authors of the Protest as having drawn up that Protest *in ignorance* ('unwissentlich') or *intentionally* ('absichtlich') or *against his better knowledge* ('gegen besseres wissen'). Dr. Perry has studied two years at Gottingen. He has resided for the last fifteen years in Germany. He knows our language, our manners, our qualities, and our habits. With him there could not, therefore, be a question of a misunderstanding. He says that the Procureur du Roi had spoken of the English *residing* upon the Continent, whereas not one of the witnesses heard this expression used.

"I must return to the word 'blackguard,' which has, with the Protest, found its way into the English papers, and so caused great exasperation. We heard, no later back than yesterday, how one of the witnesses, Cumberland, declared that it was not he who had insulted M. Möller, but M. Möller who had insulted him, by calling the English 'blackguards.' Had this been true, the exasperation experienced by the honourable gentleman (Mr. Cumberland) would have been generally shared. But it is exactly herein that the maliciousness of Mr. Perry is brought to light, viz., in extending the words used by the Procureur du Roi Möller to the English *residing* on the Continent, and in translating the word 'Lümmel' by the word 'blackguard.' Mr. Brensing has several times, and with great clearness, explained what was the meaning of the word blackguard in English. It means as much as a 'Schurke,' or a 'ganz gemeiner Kerl.' Had Möller used these terms, he would have come out of the business very differently, and would have been very differently punished. That the word 'Lümmel,' therefore, cannot be translated by blackguard, is placed beyond all doubt. Without mentioning it to Dr. Brensing, I applied to Deluis, the translator of Shakespeare, whose explanation exactly corresponds to that of Dr. Brensing. M. Deluis states that the word had originally borne the same kind of meaning as 'Trossbube.' Now it had equivalent signification with 'gemeiner Kerl,' 'Lumpenhund.' Also that a certain kind of snuff manufactured in Ireland bore that name. In the dictionary of Sporschil the word is explained in the same manner. When such great authorities express themselves in this way, we shall be obliged to admit that the word 'Lümmel' is not to be translated by blackguard, but, on the contrary, that it means something quite different. In my opinion, Dr. Perry purposely chose the expression 'blackguard,' and he has obtained his object in doing so, as all the English newspapers have been exasperated by it.

"I now come to the insult offered, and must once more go through the Protest. I have, however, in the meantime, to add one observation. As regards the actual facts connected with the Macdonald affairs, it is stated in the Protest that he had been thrown into a *filthy prison*. Which of all the witnesses has deposed to this having been the case? As in this case, so, throughout the entire Article, the object was plainly to be as malicious as possible."

The Procureur-Général here reads the second paragraph of the Protest, and then proceeds:—

"Gentlemen,—We are bound in duty to allow, that the Counsel for the defence has endeavoured, with great acuteness, to demonstrate that these words do not contain an insult. If, as the Counsel for the defence does, one assumes that a public officer does this thing or the other from motives of private hatred, whilst exercising his public functions, such an hypothesis is most undoubtedly an insulting supposition. On this bench, for me and for the Procureur du Roi, all political passions are silent. Here, only one passion can exist, the passion for truth and justice.

"It is in itself a gross insult, to say that one has heaped abuse upon a whole nation. But what follows upon this, Gentlemen? The compilers of the Protest bring in the Princess Royal of England and the Queen of England, and the deduction is made, that in the words of M. Möller, an insult against these high persons is likewise contained. Were this true, M. Möller would have been punished according to section 77 of the Criminal Law. This paragraph is worded as follows:—'Whoever shall, by word, writing, printing, drawing, by pictures, or other representations, insult the Queen, or the heir to the throne, or any other member of the Royal family, or the Regent of the Prussian State, shall be punished with imprisonment, from one month to three years. Moreover, a temporary suspension of civil rights may also, for a limited period, be added to the punishment.' Now, there cannot be the slightest doubt, that if M. Möller had been guilty of insulting the Princess Royal, he would have been punished in accordance with this paragraph, 77. Well then, what logic! As all the English have been insulted, the wife of the Crown Prince has also been insulted. Can any reasonable person be of opinion, that the Procureur du Roi would insult a nation to which the wife of the Crown Prince belonged! This is not the logic of an educated man, of a doctor of philosophy, who, moreover, describes himself as an advocate. If he were the latter, he would have been more careful in the choice of his expressions. It appears, however, from the acts, that Dr. Perry has only studied law, but not that he is an advocate. Gentlemen, I will proceed."

The Procureur-Général then reads the third paragraph, which contains the passage, 'Our Queen will shortly be an Englishwoman travelling on the Continent.'

"Since when is it customary in England to drag down the name of the highest person in the land into the turmoil of party strife? In the English parliament custom forbids the bringing in the name of the Queen in the low 'tracasseries' of subjects. Why then in the present case has the person of the Queen been named? Evidently, merely to give rise to scandal. The English 'resident' on the Continent were brought into the Protest because otherwise there would not have been the opportunity of talking of the Princess Royal. I am persuaded that the honourable gentlemen whom we here see as the co-accused of Dr. Perry will deeply lament that the person of their Queen and her illustrious daughter should have been made use of in so unworthy a manner. The commonest feeling of decency would have repined to leave these high personages, whose position places them above the everyday occurrences, out of the question.

"We now come, Gentlemen, to another passage."

The Procureur-Général here reads the 5th paragraph of the Protest.

"It was then from malice prépense that the Procureur du Roi Möller sought to excite the hatred of the inhabitants of Bonn against the honourable English families residing here. If the reproach contained in these words is not directed towards the actual disturbance of the public peace, it would, nevertheless, if proved, have constituted a grave disciplinary delinquency."

The Procureur-Général then reads out paragraph 2 of the Disciplinary Law.

"I ask you whether, if an official, invested with the functions of Public Prosecutor, excites whilst in the exercise of his functions, and before a whole public, the inhabitants of a town to hatred, there could possibly be any doubt that such an official would be very sharply dealt with in the Disciplinary Court?

"The strongest part of the insult, however, is contained in the words in which the Procureur du Roi is accused of having made "an uncalled for and *cowardly* attack upon the whole British nation.' In itself, the accusation of cowardice is for every man a real insult. What would a man of honour—an officer, for instance, who had served with honour in the British army, say to such a reproach? This reminds us, however, of that which Dr. Perry said, and which the defence, in consequence, brought forward. Perry says, 'I used the expression "cowardly" because we were obliged to be silent whilst Möller stood upon ground where he could attack us without our being able to defend ourselves.' This put me in mind of the proverb: 'What you don't wish should happen to you, don't do unto others.' Do the accused believe that a Procureur-Général would stand that his subordinate officer should be called a coward? But how is the word 'cowardly' arrived at? It clearly makes the matter much worse, and there is no means of getting out of it; and this the defence very well felt.

"To my great regret, I am obliged, once more, to come back to the affair of Captain Macdonald, because I have to deduce from it that a calumnious intention existed in the Protest. That document contains the reproach that Macdonald had been illegally proceeded against. The defence is of opinion that on this point the Public Prosecution has this day met with a discomfiture. But I can only repeat, if what was afterwards proved had been clear from the beginning, the matter would have appeared in a wholly different light. There cannot be the slightest doubt, that Macdonald did not behave in the way in which a gentleman ought to behave towards a lady. As to whether you are to believe the wife of Dr. Parow, or to assume that she is guilty of perjury, is a question upon which I will waste no words. According to her deposition, Captain Macdonald laid both his hands upon her shoulders, without, however, pushing her. What, I will ask, would any of the accused have done, if a stranger had behaved in this way towards any of their wives? They would surely not have acted differently from Dr. Parow. They would have also called the stranger a 'Flegel.' We have further learnt, by Parow's deposition, that it is positively proved that Macdonald had violently forced back the Inspector Hoffmann, who had at first behaved with such politeness! The lady who accompanied Macdonald used abusive expressions with regard to German brutality, and when a money deposit was asked for, talked of an intention to rob and to cheat. Much as M. Hoffmann was provoked hereby, he contented himself, nevertheless, with calling in the police.

"After it had been at first maintained that Captain Macdonald had been arrested without just ground, it was then asserted that he had been left in prison without a proper warrant of committal having been made out. The occurrence at the Station took place on the 12th of September. On the 11th I had quitted Bonn. On the 12th, the Juge d'Instruction was obliged to undertake a journey to inquire into a case of parricide which is to come before the approaching Assizes; and from this journey he had not returned on the 13th. The Court assembled to appoint a substitute for the Juge d'Instruction, who on the same day made out a warrant of committal. Out of this a grave charge is made against the judicial authorities. Now when such accidents as these occur, when a public officer is ill or dies, can it not happen that a warrant of committal should come to be retarded for one, two, or even three days? The reproach, therefore, made in this respect, is proved to be unfounded. I have to touch another case. It has been asked, where was Dr. Parow when the case was tried? His examination was dispensed with merely out of thoughtful care for Captain Macdonald, and in order that the matter might be quietly brought to a conclusion. Parow was summoned on the day after the occurrence before the substitute of the Juge d'Instruction. After the Inspector Hoffmann had been examined, however, the examination of Dr. Parow seemed superfluous.

Moreover, the case was to come before the Court if possible on the following day. It was therefore simply out of regard for Captain Macdonald that the examination of Dr. Parow was dispensed with, and it is under these circumstances that the assertion is made that the authorities had not the courage to proceed to his examination! Everything is done to assist Captain Macdonald, and this everything is invested with a malicious intention.

"It has been further asserted that Captain Macdonald was arrested without ground. The code of criminal procedure distinctly prescribes that foreigners who are guilty of crimes or misdemeanours are to be arrested. What official, therefore, with this rescript before him would let a foreigner go who was guilty of a misdemeanour? Such a foreigner would simply go about his business and laugh at the official. The arrest of Captain Macdonald therefore was fully justified by the code of criminal procedure. Lastly, in order to paint the picture of Captain Macdonald's griefs in the most glaring colours, the Protest maintains that he was thrown into a filthy prison. We heard, yesterday, how totally void of foundation was this accusation. The accused, however, were determined to receive no explanations with regard to the Macdonald occurrence; they yesterday protested against the examination of Dr. Parow and his wife, and after the examination of the latter was decreed by the Court to be admissible, what did they do? They occupied themselves with reading the papers and speaking aloud to each other. Is that the respect due to a Court of Justice?

"We will now inquire as to the facts connected with the filthy prison. I have myself, in order to report upon the subject to the Minister of Justice, visited the locality and examined it. The witness Zarnack said yesterday that Captain Macdonald had been brought to the prison on the evening of the 12th of September, after lock-up during the witness's absence, and had passed the night in the room of the Debtors' Prison. On the following day the witness offered Captain Macdonald his own dwelling, or the room set apart for the Judges and Advocates, to spend his time in. He had asked to have coffee for his breakfast, and had obtained it. He had received his victuals from the 'Star,' the first hotel in the town, had spent the day in the rooms above alluded to, and the night in a room of the Debtors' Prison, which he had all to himself. But what has been related with regard to this? An attempt it is said to furnish the prisoner with a bed had failed; he had been obliged to lie upon a miserable pallet. What an atrocious distortion of the truth is this! Captain Macdonald, because he interested himself in the arrangements of the prison was everywhere shown about, and, on being set free, expressed his thanks to the Superintendent. These circumstances were yesterday brought before the notice of Mr. Anderson, and he was asked how he could have signed such a statement. You heard his answer. But what sort of explanation did he give. The whole question turns, Gentlemen, upon a close-stool. Our prisons it is true can certainly not be made into boudoirs hung with velvet and silk. The locality in which Captain Macdonald found himself was wholly separate from the remaining localities of the prison. In one word, every conceivable consideration was had for him; and now I ask you, who was it who put forward all these untruths? A man who for fifteen years has resided in Prussia, and enjoyed the protection of the Prussian Government;—who has received a concession for an educational establishment into which it is true he can only receive English boys. A proceeding of this kind is, in my eyes, disgraceful.

"Gentlemen, the Counsel for the defence made one observation which I cannot allow to pass unnoticed. He stated that the accused were Englishmen who knew nothing of the stool-of-penance feeling with which many citizens in Prussia appeared before the officials with whom they have to deal. In Prussia, no one has ever so stood before an official without finding justice. But, the defence continued, the accused are not punishable by English law. With this, in itself, we are in no way concerned, for we live in our country and according to our laws. It has, however, been maintained in a widely circulated paper that the persons who drew up the Protest would not have been punishable in England. To contradict this, I will read you out a passage from the English Laws: [This passage is then read out.] You will see from this that the misdemeanour of which the defendants are accused is punished with even far greater severity in England than here. In the present case, if it were in England, not even the *exceptio veritatis* would be admissible, which with us prevails, and which on this occasion would certainly have been brought to bear, if the defence had been in a position to do so. I come to a further point. M. Möller is charged with private hatred against the English; a feeling which is considered as proved by his behaviour in the Macdonald affair. We here come to the conversation between the English Consul, Mr. Crossthwaite, and M. Möller, at Endernich. The Consul remarked to the Procureur du Roi that the arrest of Macdonald would have disagreeable consequences; that the same stood in the immediate service of the Queen, and that Her Majesty's interests were not to be tampered with. Möller answered that considerations of this kind could not prevent him from acting according to the laws. We further hear from Mr. Crossthwaite that the Procureur du Roi said that if an application were made for the liberation of Captain Macdonald on bail, he would oppose the same; that the English behaved here as if they were not in a civilized country. The Consul deduced from this observation that Möller deemed it necessary to make an example of Captain Macdonald, and reported in this sense to the English Minister, Lord Bloomfield. The latter made a representation to the Minister for Foreign Affairs, who referred to the Minister of Justice, by whom I was called upon to send in a report on the subject. Möller did not admit the sense given by the Consul to this conversation, and declared on the contrary that he had wished to give every assistance to Captain Macdonald. He had,

however, said that Macdonald ought to know that in a civilized State the police are to be obeyed. That the Procureur du Roi Möller has no hostile feeling against the English, I can prove by several examples. Some years back, three Englishmen were arrested for misbehaviour in the theatre. On that occasion it was M. Möller who moved for their release on bail. In the year 1853, an Englishman was arrested for roughly treating somebody; again it was Möller who moved for his release on bail; a motion, however, which the Court refused. In the present case, however, the case itself was decided as quickly as the decision could have been come to with reference to the question of bail.

"Gentlemen, I now ask you whether, in the introduction of my exposition, I said too much when I maintained that the English Press had been inspired from hence,—that the whole noise had been caused by the Protest, and by the use of the word 'blackguard,'—that the object had been to make out the matter worse than it was, in order that the appearance might be given of a whole nation having been insulted. It is verily not conceivable that a man should have been capable, in cold blood, to hurl such insults as those contained in the Protest. But other insults also have been heaped upon the Procureur du Roi. Articles were written against him in the English Press, the author of which is not far from us; ribald songs were composed against him; whole packets of filthy abuse were sent to him from London; letters were addressed to him in which he was called a "dreck lümmel," and an "esel." What has he not had to suffer! But I hope that you will this day give him satisfaction; or, rather, not him, but the State which has been insulted in his person.

"The Counsel for the defence has attempted to establish the plea of extenuating circumstances in favour of the accused. I shall immediately come to this point. I now repeat my motion to acquit the accused Baddeley, Rapp, Washington, Rochford, and Oldfield.

"For Anderson, Cumberland, and Drummond, you can and you ought to find attenuating circumstances. They principally relied upon what was communicated to them by Perry. I therefore move for the plea of attenuating circumstances in their case. As regards Perry, I seek in vain for any circumstances of attenuation.

"I am conscious to myself to have acted in this matter without any personal feeling, and wholly objectively. I have not protected the Procureur du Roi Möller where he was in the wrong, and I have only said that of which I felt the full conviction. Against any inference to the contrary I beg distinctly to guard."

After the close of his exposition, the Procureur-Général once more moved for the acquittal of Messrs. Baddeley, Rapp, Washington, Rochfort, Thurston, and Oldfield; and moved, with regard to the remaining accused, after referring to the paragraphs of the Penal Code on the subject, that the accused Perry, in whose case there were no extenuating circumstances, should be imprisoned for fourteen days, and that the accused Anderson, Cumberland, and Drummond, for whom the plea of extenuating circumstances was valid, should each be condemned to a fine of twenty-five dollars.

After this motion was brought to an end, Dr. Perry rose to defend himself, as he stated, against the violent attacks of the Procureur-Général. He is interrupted, however, by the President, who orders the translation of the Procureur-Général's motion into English. This having taken place, Dr. Perry spoke as follows:—

"I reserve to myself, later on, to defend myself against the many ungrounded attacks of the Public Prosecutor. For the present I will content myself with one observation. The Procureur-Général has said that the author of the letters printed in the 'Times' was not far off. He thereby implied that I was the author. I hereby declare, in the most positive manner, that not one word published in the 'Times,' or any other English newspaper, with respect to the Macdonald affair, had its origin with me."

Mr. Cumberland then asks for leave to speak. He expresses himself in English, and with considerable energy:—

None of the accused, he said, wished that the weight of the responsibility should fall upon one of their number only. All the accused gave the assurance, that if anybody had come and said that the Protest was to be published, they would one and all have signed the same. Many Englishmen not at Bonn regretted that, from not being here, they had not had the opportunity of signing the Protest. The accused, therefore, wished to be treated in the same manner.

The President replied, that the wish thus expressed showed a very honourable feeling, but that as it had no legal basis, it could not be accorded.

Mr. Cumberland again addressed the Court, and reverting once more to the Macdonald affair, remarks, that if it had been known that it was to be brought into the present proceedings, Mr. Macdonald would have been induced to come to Bonn.

Hereupon arose a discussion between the Counsel for the defence and Dr. Perry on the one hand, and the Procureur-Général on the other, in which nothing of importance, however, to the case in point was brought to light, and with reference to which, therefore, we shall confine ourselves to the following notice.

The Counsel for the defence remarked, that the Public Prosecutor had stated, with reference to the accused, Dr. Perry, that he was not worthy of the esteem of Germans. The supposition, however, that Dr. Perry had been the only moving spring in the matter, rested upon very weak grounds. The Public Prosecutor considered it as proved that many of the accused had been purposely deceived, because they had known nothing of the publication of the Protest. This supposition, however, was wholly untenable. The Protest had been sent round for signature by Dr. Perry through the instrumentality of a

colporteur. The Protest had been brought back with the signatures, and Mr. Perry had every reason to believe that the persons who had signed it fully agreed to its publication. Moreover, in hinting that the Articles published in the English newspapers with respect to the Macdonald affair owed their origin to Dr. Perry, the Public Prosecutor had made a statement for which there was not the slightest proof. The violence of the attacks that appeared in the 'Times' is to be explained by the circumstance that a relation of Captain Macdonald is employed in the editing department of that paper. Moreover, the bitterness of the English Press was easily to be accounted for from the political aspect of affairs, and from the discontent which the English, in consequence, felt against Prussia.

The Counsel for the defence closes his speech by moving that all the accused be acquitted.

The Procureur du Roi declares that he did not say that Dr. Perry was unworthy of the esteem of Germans.

The President, at the request of the Procureur-Général, confirmed him in this statement, to the effect that he had not made the above-named observation.

Dr. Perry here observes, that if any Englishman stood high in the esteem of his countrymen at Bonn, it was he.

The Procureur-Général protests against having attacked Dr. Perry with abusive or injurious expressions.

Dr. Perry again rises and speaks to the following effect:—

"I do not know to what I owe the honour of having been so exclusively and violently attacked by the Public Prosecutor. I know no mode of action by which eleven men could conjointly compose a written statement; one man only can do this, and I was the person who, on the present occasion, did it, because, for many years, I have been the organ of the English resident here. I regret very much being excluded by the Public Prosecutor from the number of those who are deemed worthy of the esteem of Germans, but I will console myself for the loss of M. de Ammon's esteem, by the consideration that during a blameless residence of from seventeen to eighteen years at Göttingen and Bonn, I have enjoyed the esteem and friendship of men like Arndt, Dahlmann, and Bunsen.

"The Procureur-Général accuses me of having concealed my authorship of the Protest from a bad conscience. Good! I send the Protest in my own handwriting, and by my own teacher to the printing press! I would only too gladly have named myself as the author, had not my countrymen been against my being the only one to claim the merit of the defence. The Procureur-Général further accuses me of having induced lads of seventeen years of age, like Washington, to sign the Protest in order to get as many signatures as possible. Another than myself drew up the list of the persons who were to be asked to sign. I did not even know to whom the list was to be taken; just as little did I know that Washington was at Bonn! If my object had been to get as many signatures as possible, and to induce boys to sign, why did I not fix upon the five or six young gentlemen who dwelt in my house? Further, I am accused of having, by means of articles written in the English papers, been the cause of insults being heaped upon Prussia. The following is my reply:—*Not one single syllable in this whole matter, either written or inspired by me, has appeared in any English paper.* Further, I am accused of having intentionally given a false translation of the word 'Lümmel,' in order to cause a public scandal. *All the English present refused to accept the translation of the word 'blackguard,' given by the Interpreter, and agree with me in maintaining, that the word is oftener than not used without any immoral signification, exactly as the word 'Lümmel.'* Lastly, as regards the tone of the Protest, it has been described to me by many Englishmen as too tame, when taken with reference to the insults of M. Möller; it would, most undoubtedly, by many others have been much more strongly expressed."

The Procureur-Général replies:—

"I must again protest against my being made to say that Dr. Perry did not stand in my esteem, and was not worthy of the esteem of Germans. I must, also, again protest against its being maintained, that I have been guilty of injustice towards Dr. Perry. On these points, however, I am not responsible to Dr. Perry, but to God and my conscience."

Hereupon the Rev. Mr. Anderson rose to address the Court, in a long defence, spoken in German, with extraordinary eloquence and great emotion, and which, consequently, left a deep impression.

The following is his speech:—

"Allow me, Gentlemen, to address a few words to you, whilst I endeavour to explain to you, as shortly as possible, our feelings and our behaviour in this matter. At the same time, I must beg for your forbearance, in consideration of the foreign language in which I address you.

"You will easily believe me, when I say, that none of us ever expected to stand here, before a Court of justice, accused of having violated the laws of this land, whose laws we have ever obeyed, and ever intend to obey, as long as we are resident in it.

"We think that we may say, that we are innocent of this charge; the act upon which it is based was no wanton, intentional insult on our side, but simply an act of self-defence, elicited by an unjust attack which had been directed publicly and unexpectedly against us, and our countrymen.

"The circumstances which occasioned this attack evidently sprung from the occurrence in which Captain Macdonald was concerned at the station on the 12th of September. I learnt nothing positive on the subject till the following Saturday, on the 15th. I had only read a short notice of the occurrence in the Bonn newspaper on Friday. Neverthe-

less, on whatever side the fault lay, I felt convinced that justice would be properly administered, and I therefore did not mix myself up in the matter. On the forenoon of Saturday, the sister-in-law of Macdonald came to me with another lady and related to me what had happened. They were all of them, personally, strangers to me; but as soon as I had heard the details of what had happened, I felt myself bound to assist them.

"I went immediately to the House of Arrest, and thenceforward visited Macdonald daily as long as his confinement lasted. I heard all that he had to say upon the subject, and read the letters which he addressed, with reference to it, to Lord John Russell and Lord Bloomfield. I also placed myself in constant communication with the English Consul at Cologne, and with the Advocate Schöler, Captain Macdonald's Counsel. In this way I learnt all the details of the occurrence—not in a vague manner and at second-hand, but from sure sources.

"I have no wish, once more, to make bad blood by recurring to that which took place now three months ago. I regretted that fresh allusion was made to it yesterday, as Macdonald himself and his witnesses were not present. In consequence of this, the public will have heard only one side of the story, and the legal difficulties with which the English and Prussian Governments are already occupied, will be very much increased. To-day a change might perhaps have taken place in the opinion of the public. But I will no longer detain you on this point.

"On Tuesday the 18th of September, began the proceedings against Macdonald, and I was present at them to their close. When the Procureur du Roi rose to speak I neither knew who he was, nor what was his office. I soon discovered, however, that he was bringing forward charges with a view to obtain the punishment of Macdonald, and when he came to that portion of his speech, which has caused such great sensation. I could hardly believe my ears. At first I could not altogether understand what he said; because one of the expressions used by him had never as yet occurred to me in the intercourse I had had with educated Germans.

"But the general impression so deeply engraved itself upon my mind that it can never be effaced, namely, that he transgressed the bounds of decency, and that he spoke evil of the English upon the Continent. Dr. Perry who stood close by me, and who is thoroughly acquainted with German, expressed to me immediately in a whisper his disapproval. The Consul did the same. The Advocate Schöler, who wrote the words down, censured them in his rejoinder; and when the judges withdrew to discuss their judgment, and afterwards again when the proceedings were brought to a close, expressions of disapproval were heard on all sides amongst the Germans as well as amongst the English. I could, therefore, could have no doubt that contemptuous and insulting observations against the English had been made.

"But why should I not have expressed my thoughts upon the subject? Since yesterday in this Court the statement has been made by the President of the Chamber, Lamberg, and by Messrs. Oster and von Düsseldorf, who acted as judges in the Macdonald trial, that the Procureur du Roi had spoken words which in their opinion were undignified and highly improper.

"It is not, therefore to be wondered that WE felt *ourselves insulted*, and before the sun of that day had set the fire of a just indignation broke out in our Protest.

"We had no conception, honourable Gentlemen, that we in any way thereby transgressed the law. Had we known this we would naturally have attempted in some other way to obtain justice. But we considered that the way we adopted was thoroughly justifiable. Our very manner of procedure proves this. For when men intend to publish what is unlawful they seek to screen themselves against discovery. But we had no cares of this sort. The document was freely and publicly taken from house to house for signature, and on the following day sent it in its original form to the printing office. It was all the same who had written it. We all made it our own by signing it. Dr. Perry designated himself yesterday as the author; but he was not the *initiator*, he was only the *organ*. He only expressed the feelings, which as soon as they were known to his countrymen were shared by them.

"There may be passages in it liable to criticism, which may well happen in a writing hurriedly composed. But we had the internal conviction that the truth lay at the bottom, and therefore did not stop to weigh each single syllable. A public insult demanded, so we thought, a public and immediate reply. By delaying we might easily have got more signatures as many of our countrymen resident in Bonn who happened not to be here have assured us that they would most certainly have signed the Protest, had they been present. Such a delay, however, would have weakened the effect of our act of self-defence, and we therefore did not lose an hour.

"As regards the three passages which are described in our Protest as insulting, we answer that they only express facts, the publication of which can hardly be looked upon as an insult to the Procureur du Roi in the exercise of his calling. On the contrary, they must be looked upon as a proof that he was forgetful of his public duty, and of the special exercise of it at a moment when he was bound most carefully to take heed to it.

"That this view of the conduct of the Procureur du Roi is shared by his superiors is proved beyond a doubt by the reprimand which we hear has been administered to him. This reprimand could never have been administered if the words directed against us had not been looked upon as unworthy of the representative of the Crown. It makes no difference whether the insulting epithets were used against *all* the English on the Continent (as some say), or against *many* (as others maintain). A statement of this kind under the most excusable

circumstances was a serious offence, and consequently brought down a reprimand upon him.

"I cannot believe, Gentlemen, that we are to be punished because we complained of an insult which has called down the censure of the Government upon their own officer. I cannot believe it because there are certain broad, eternal principles of justice, of that justice of which our celebrated Hooker said, 'that it has its seat in the breast of the Almighty, and that its voice is the harmony of the spheres,' principles which are the same in all countries and at all times, that form the basis of every article of every code in the whole world; principles which alone lend authority to every compilation of laws, which ought to distinguish every man, and the violation of which must, sooner or later, confuse the wisdom of the wisest, and destroy the might of the mightiest nations of the earth. To make justice prevail, and to draw injustice into the light of day, seems to me the noblest task of these sacred principles, and to fulfil this task is all that we sought to do.

"If we are to be punished for doing this, so let it be; we shall show our respect for the majesty of the law by patiently submitting to the sentence of those who have to administer it. Let the sentence be a fine or imprisonment, we shall not recoil from it in fear. It will neither occur to us to boast of the oppression of which, in the opinion of some, we shall be the objects, nor to get up an excitement by appealing to a sickly sympathy. All we care for is to live on here, as we have done heretofore, in peace and quietness; to keep far aloof from every word and every act which could call down any just censure upon the Church of which we are members, or the State of which we are subjects; and in private life we wish to continue entertaining that friendly intercourse with our German neighbours which we hope may long continue to exist between the two great friendly nations whose children we are. This we have hitherto done, and this we hope, with God's assistance, to continue to do; but the voice of truth cannot be stifled. And if called upon, as we are this day, to answer the accusations brought against us, the only possible answer is, '*We are not guilty.*'"

Lastly, Mr. Drummond got up, and made the following observations:—

"I reside here on account of the great facility with which I can move to other places. Within the last twelve months I have made journeys to Belgium, France, Baden, and Italy. The insult offered, therefore, to the English travelling on the Continent was also directed against me."

As no one else asked leave to speak, the discussions were brought to a close, and the President adjourned the publication of the sentence till Monday, the 23rd December. The sitting was then declared closed, and ended, as on the previous day, at 2·30 p.m.

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*Sitting of the 24th of December.*

Besides the accused and the officials of the Court, a numerous public attended on the 24th of December, to hear the publication of the sentence. The sitting was opened soon after one o'clock, and the President then proceeded to pronounce sentence as follows:—

"Whereas the co-accused Washington did not appear to answer the charge, his case is to be proceeded with *in contumaciam:*

"And whereas the accused Perry, Anderson, Drummond, Cumberland, and Rapp published in the Bonn paper of the 20th and 21st of September of the current year, and of the Cologne paper of the 21st of September, a Protest in the German and English languages, in which the Procureur du Roi Möller, of this Court, is accused of having, as representative of the Prussian Crown in the proceedings against Captain Macdonald during the public sitting of the Court of Correctional Police on the 18th of September, allowed himself to be carried away by a feeling of private hatred to insult a whole nation to which the wife of His Royal Highness the Crown Prince belongs; and of having sought to excite a feeling of animosity against the English families resident here, and of having made an uncalled-for and cowardly attack against the whole British nation:

"And whereas they confess to having signed the same, and caused its publication:

"And whereas the reproach contained in the above quoted words of having misused a public position from motives of private passion to insult, to excite hatred, and to make cowardly attacks, even if the same cannot be considered as a calumny, yet undoubtedly contains a grave insult against the Procureur du Roi Möller in reference to the exercise of his office:

"And whereas the law respecting insults which are offered to an official in the exercise of his calling, or in reference to the same, considers such insults as offences against public order, and, with a view to the protection of public authority, punishes such with heavier penalties than insults against private persons:

"That, consequently, even if the assumption of the accused that they had been the first to be insulted by the Procureur du Roi Möller could be considered as proved, nevertheless section 153 of the Criminal Code, in reference to compensation for injuries done to a man's honour, would not be applicable in the present case:

"And whereas the further assumption maintained by the accused in their defence, to the effect that the Procureur du Roi Möller hereby placed himself outside the exercise of his functions, and, therefore, that the motives of private hatred are to be assumed as having influenced his actions, rests upon an incorrect hypothesis, inasmuch as the Procureur du

Roi, in the proceedings in question, was acting officially, and for the whole of his conduct at the time was amenable to the penalties of the Law of Discipline:

"And whereas the accused cannot appeal to their ignorance of the law, as it was their duty to inform themselves respecting the provisions of the laws under which they live; in which case they would have learnt that there was a double road open to them for the obtaining of satisfaction, that of a complaint lodged before the superior of the Procureur du Roi, and that provided for in the constitution of a judicial complaint to be decided upon in public court:

"And whereas the accused, much to their own damage, adduce that the advertisement in question was drawn up in good faith, and contains only a protest against the injury done to their honour as Englishmen; whereas, on the contrary, the advertisement in question was the result of the first moment of excitement, and, as such, unmistakeably bears the character of passion and rancour more particularly traceable in the manner in which, when talking of the Macdonald incident (upon which occasion, as shown by the last judicial proceedings, the authorities here acted with perfect legality, and with every possible consideration), assertions are made distortive of the truth:

"And, as further in this affair, the exalted persons of the Queen of England and of our Princess Frederick William are dragged in:

"And, as lastly, not content with a mere defence, the Protest goes beyond these bounds, and in a grossly insulting manner accuses the Procureur du Roi Möller of misuse of authority and of cowardice:

"And whereas, conformably to the above statements, there can be no question of the impunity of the accused; and the point only has to be settled as to whether the merits of the case allow of the plea of attenuating circumstances being made good:

"And whereas, in this respect, none of the witnesses examined depose that the expressions of the Procureur du Roi Möller referred to the whole English nation, or to the English resident on the Continent; but, on the contrary, that the witnesses only differ from one another as to whether the Procureur du Roi, after he had in the introduction to his exposition, said, 'The English language has a word which expresses all that is included in the character of a man of refined education and of good manners;' then went on, *speaking generally*, to say, 'But *the* English who travel upon the Continent forgot this word, and made themselves remarkable by their presumption, their shamelessness, and I may even say, their "Lümmelei;"' or whether he used the more *restricted* designation, 'But *many* English,' or 'most of the English,' or some equivalent term:

"And whereas the testimony of most of the witnesses, and, namely, that of an Advocate and of a Judge used to *vivâ voce* proceedings (to the testimony of one of which witnesses, the President of the Chamber, Lamberg, who reproduced the words of the Procureur du Roi in their restricted sense to the Interpreter, special weight is to be attached) go to prove that the words were used in the more restricted sense; and whereas even if, according to the depositions of the witnesses Schöler, Crossthwaite, and Cillis, the expressions used were general and without restriction, they nevertheless did not contain a materially different meaning, inasmuch as it cannot be reasonably assumed that the Procureur du Roi meant to designate, in the manner described, *all* the English travelling on the Continent:

"And whereas the Public Prosecutor, in his position as Guardian of the Law and Prosecuting Officer, is undoubtedly justified and bound to censure, reprove, and warn, and in so doing is expressly, according to Section 154 of the Penal Code, not to have motives of insult imputed to him; and whereas there was most undoubtedly an occasion for an expression of censure, in the fact that it appeared from the proceedings in the case that Captain Macdonald (as proved by the sworn testimony of Dr. Parow and his wife) had, in a manner repugnant to German customs, taken Mrs. Parow by the shoulders with both hands, and sought to prevent her entrance into the carriage, and afterwards had thrust from him with both fists the Inspector Hoffmann, who had been called to the carriage, in a way which caused the same to suffer the next day from pains in his chest; and moreover, as of late years (as proved by the Acts produced by the Public Prosecutor,) repeated cases of punishment against travelling Englishmen have occurred at this Court for improper behaviour:

"But whereas, on the other hand, the expressions used by the Procureur du Roi, which have been disapproved of by his official superiors, were, in regard to their form, more particularly at a public trial, ill chosen, and could therefore easily be misconstrued and regarded as having been used with an insulting object, as unfortunately was the case on the part of Macdonald's Counsel, the Advocate Schöler, who referred the same to all travelling Englishmen:

"And whereas the further circumstance has to be taken into consideration that the Procureur du Roi did not immediately rectify this view, which could not but strengthen the accused in their incorrect interpretation of the sense of those expressions:

"The plea of attenuating circumstances is to be considered as justified:

"And whereas Article 102 of the Criminal Law, in such a case, prescribes that, instead of the penalty of imprisonment, a fine of from 10 to 300 dollars may be imposed:

"And whereas the penalty moved by the public prosecution in reference to the accused Anderson, Cumberland, and Rapp, seems a fair one:

"And whereas, on the other side, attenuating circumstances can only be considered as applicable in a lesser degree to the accused Perry:

"Inasmuch as the latter was thoroughly cognizant of the German language, and by

his fifteen years' residence could not but be better acquainted with the institutions and laws of our country than his co-accused; and inasmuch as he acted as *l'homme de confiance* and the organ of his countrymen, who knew less of the language than he did, and was therefore bound to use peculiar foresight and circumspection:

"And whereas Perry confesses to having drawn up the Protest, and to having had it put into print; and as the responsibility more particularly falls upon him of having translated the expression 'Lümmel,' used by the Procureur du Roi, which expression does not involve the meaning of moral degradation, by the word 'blackguard,' which, according to the declaration of the sworn Interpreter, and conformably to the literary sources to which the Court has had access, is principally used of a low and morally depraved character, and of having thereby caused considerable excitement amongst his countrymen:

"And whereas Perry must in consequence, more than all the others, bear the blame of the malicious and insulting contents of the Protest:

"And whereas, if even for him there lies in the expressions used by the Procureur du Roi a provocation which diminishes his guilt, the degree of punishment must nevertheless be raised to a much higher point than in the case of the others:

"And whereas the accused, Oldfield, Thurston, Rochfort, Baddeley, and Washington (which latter has not made his appearance, but whose depositions, taken before the Juge d'Instruction, have been placed on record), had no knowledge of the intended publication of the Protest, and only signed it under the supposition that it was a complaint to be lodged with the Prussian and English authorities, and as the contrary is not to be inferred from the contents of the Protest, nor been proved by the proceedings that have taken place, and consequently as in their case an acquittal must be pronounced:

"On these grounds, the Court of Correctional Police of the Royal Landgericht declares—1, Walter Copland Perry; 2, James Stuart M. Anderson; 3, George B. Cumberland; 4, Edward Rapp; 5, Mortimer Percy Drummond—as guilty of having, by the contents of the Protest inserted in the Bonn paper of the 20th and 21st of September of the current year, and in the Cologne paper of the 21st of September, insulted the Procureur du Roi Möller, in reference to his public office, and condemns the same, conformably to Article 102 of the Criminal Code, and Article 194 of the Order of Criminal Procedure (which are read out by the President), the plea of attenuating circumstances being admitted—

"The accused Perry to pay a fine of 100 dollars, and, in case of non-payment, to imprisonment for five weeks:

"The accused, Anderson, Cumberland, Rapp, and Drummond, each to a fine of 25 dollars, and, in case of non-payment, to imprisonment for nine days: and, moreover condemns all these five to the whole costs of the trial.

"On the other hand, the Court declares the accused, Baddeley, Rochfort, Thurston, Oldfield, and Washington (the latter *in contumaciam*), free, both as to penalty and costs.

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No. 51.

*Lord Wodehouse to Captain Macdonald.*

Sir, *Foreign Office, February* 11, 1861.

I AM directed by Lord John Russell to acknowledge the receipt of your letter of the 23rd instant, inquiring if any reparation had been made or was intended to be made by the Prussian Government on account of the treatment you experienced from their authorities, and I am to state to you in reply that the Law Officers of the Crown report that treatment to have been legal, according to the Municipal Law of Prussia.

It is impossible, therefore, for Her Majesty's Government to require that reparation shall be made to you, however hard and unfriendly the proceedings of the Prussian authorities may have been.

I have, &c.
(Signed) WODEHOUSE.

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No. 52.

*Lord J. Russell to Mr. Lowther.*

Sir, *Foreign Office, February* 11, 1861.

HAVING referred to the Law Officers of the Crown the whole correspondence which has taken place respecting the case of Captain Macdonald, I have now to communicate to you the opinion of Her Majesty's Government.

In the first place, assuming that the charge of which Captain Macdonald was found guilty by the Prussian tribunal was legally proved, his arrest, trial, and subsequent punishment must in that case be admitted to have been matters, strictly speaking, within the jurisdiction of the Prussian tribunals, and the legality of the proceedings cannot be impugned so far as Prussian law is concerned.

In the next place, the Staats-Procurator, Möller, having been reprimanded for the abusive language used by him in the conduct of the prosecution of Captain Macdonald, that reprimand may be accepted as a sufficient atonement by the Prussian Government for this misconduct of their subordinate officer; and lastly, Her Majesty's Government do not deny that the prosecution, by the authority of the Prussian Government, of certain British subjects at Bonn, for libel, although bearing the character of a harsh and vindictive proceeding, appears to have been in conformity with the law of the country, and was not a violation of International Law, assuming always that the provisions of the Prussian Municipal Law were duly observed.

But I have to add that, apart from the strict legal aspect of this affair, all these proceedings of the Prussian officials concerned in the case appear to Her Majesty's Government to have been uncalled for and unjustifiable.

1. The Railway Inspector ought, if it was so, to have explained through the sister-in-law of Captain Macdonald, that after the strangers who wished to come into the carriage had taken their seats, there would still be room for the gentleman, the nurse and child of Captain Macdonald's party, and if that explanation had been civilly given, no further altercation would probably have taken place. The order for Captain Macdonald and his party to leave the carriage was, therefore, a wanton act of arbitrary rudeness.

2. The caution or bail-money offered for Captain Macdonald ought to have been accepted, and Captain Macdonald ought to have been left at liberty; but this was not done, and Captain Macdonald was sent for five nights to prison, merely because, as it was said, Madame Kuhe threw some imputations on the honesty of the Inspector. But this reason was quite insufficient, and officials invested with such great arbitrary power are bound to be careful not thus to abuse it.

3. M. Möller's violent and libellous charge against the character of English travellers was highly unbecoming; for even assuming that Captain Macdonald had been guilty of an offence against the Prussian law, that was no reason why M. Möller should cast a malicious aspersion upon all Englishmen travelling in Germany.

4. The just indignation of the English residents at Bonn at hearing this wanton accusation made by M. Möller against their countrymen travelling or residing on the Continent, might well have been allowed to find expression in a protest, published in a newspaper, without bringing down on the heads of its authors the vexation and annoyance of a State Prosecution.

In a moral point of view, and having regard to the relations between the two countries, the conduct of the Prussian Government in this matter appears to Her Majesty's Government to have been in a high degree unfriendly.

Prussian law was enforced with extreme and unnecessary harshness, and in a manner not required for the purpose of justice. To throw a person of the rank and station of Captain Macdonald into prison on such a charge, and to refuse his liberation on bail, was an act which in England we should ascribe to a malignant spirit, violating the limits of a temperate administration of justice.

The rude refusal of the Prussian official, when informed of the rank held by Captain Macdonald in the Bodyguard of his Sovereign, was not consistent with ordinary international courtesy, and is a fit subject to be observed upon, because it has not been disavowed by the Prussian Government. Her Majesty's Government feel confident that no Prussian officer or gentleman of the rank of Captain Macdonald would have been treated in a similar manner in England under similar circumstances.

Her Majesty's Government must also observe on the spirit which dictated a prosecution for a publication alleged to be a libel upon a Prussian official, when the very act which that alleged libel condemned had been censured by the Government of that officer; and it is further to be observed, that that prosecution was instituted whilst Captain Macdonald's case was still pending between the two Governments.

The Prussian Government has not thought fit to temper its justification of these extreme acts by any expression of regret, and Her Majesty's Government cannot but regard its conduct as too clearly evincing a disregard of international goodwill.

I have to instruct you to read this despatch to Baron Schleinitz, and to give him a copy of it.

I am, &c.
(Signed) J. RUSSELL.

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No. 53.

*Lord A. Loftus to Lord J. Russell.*—(*Received February* 18.)

My Lord, *Berlin, February* 16, 1861.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 11th instant to Mr. Lowther, resuming the opinion of Her Majesty's Government on the arrest and imprisonment of Captain Macdonald, and on the subsequent trial of British subjects at Bonn, which had arisen out of this unfortunate affair.

In conformity with your Lordship's instructions I have read that despatch to Baron Schleinitz, and have placed a copy of it in his Excellency's hands.

His Excellency offered no comment on this despatch, further than to observe that he had, in the correspondence which had taken place on the subject, frequently expressed regret for the circumstances which had occurred, and which his Excellency's characterized by the term of "untoward."

His Excellency stated that he would reply to this communication with as little delay, and in as conciliatory a manner, as possible.

I have, &c.
(Signed) A. LOFTUS.

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No. 54.

*Captain Macdonald to Lord J. Russell.*—(*Received February* 26.)

*Flag Court, St. James's Palace,*
My Lord, *February* 22, 1861.

I HAVE the honour to acknowledge the receipt of a letter from Lord Wodehouse, dated the 11th of February, in which his Lordship informs me that the Law Officers of the Crown have reported that the treatment experienced by me at the hands of the Prussian officials to have been legal according to the municipal law of Prussia, and that therefore Her Majesty's Government are unable to require reparation to be granted to me by the Prussian Government.

Now, my Lord, this view of the case would appear to arise from an erroneous appreciation of the facts on the part of Her Majesty's Government's legal advisers, owing to the misstatements of the officials concerned.

No one is more willing to submit, not only to the laws of the country in which I may be travelling, but also to the peculiar regulations in force in any situation in which I may be placed; but I am prepared to show that on the 12th of September the spirit of the Prussian law was departed from, while subsequent to my arrest the provisions of the said law were actually contravened.

Granting that Hoffmann, the Station-master, had a right to direct me to leave my seat and get into another carriage, surely he was bound to convey such directions in a courteous and becoming manner, and not forcibly to dispossess me of my seat without any attempt at explanation. I am prepared to show that immediately on Dr. Parow's calling to him, and saying something to him in German, which I was unable to understand, he called out, "Out with the fellow!" without hearing what I might have to say. Although I was unable to explain myself, my sister (who is well acquainted with the German language) attempted to interpose. But Hoffmann refused to hear her. I was thereupon

dragged out of the carriage by main force and thrown on to the platform. My sister was also most roughly handled, and even her baby was maltreated by the Prussian railway employés. (To account for the undue partiality of Hoffmann towards Dr. Parow, I may as well observe that it has come to my knowledge that Hoffmann is a poor man, and has a daughter residing as patient in Parow's private hospital, and is thus under great obligations to him.) Surely such conduct cannot be in accordance with the spirit of the Prussian laws.

And now, my Lord, comes the second point to which I should wish to call your Lordship's most special attention.

According to the provisions of the law of Prussia a warrant of detention ought to have been lodged in the hands of the Governor of the jail within twenty-four hours of my arrest. I can prove that such warrant was not received by the said Governor until three days after I had been taken into custody.

Under such circumstances as these I can hardly think it can be said that the treatment experienced by me was in accordance with the municipal law of Prussia.

I have been cruelly and unjustly treated by the Prussian officials, refused bail, confined in a wretched prison in company with felons, subjected to great annoyance and expense, held up to opprobrium by the public press of Germany, and yet not one word of apology or regret have I received from the Government at the hands of whose servants I have received such disgraceful treatment.

I must therefore again request your Lordship to press for an apology from the Prussian Government to myself.

I have, &c.

(Signed) G. V. MACDONALD,

*Late Captain 19th Regiment.*

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No. 55.

*Count Gruner to Count Bernstorff.*—(*Communicated to Lord J. Russell by Count Bernstorff, March* 4.)

Nach den ausführlichen Mittheilungen, welche ich über die Angelegenheiten des Capitains Macdonald unter dem 30. November v. J. Lord Bloomfield und unter dem 8. December v. J. Eurer Excellenz gemacht hatte, glaubte ich hoffen zu dürfen, daß das Britische Gouvernement die Ueberzeugung gewinnen werde, daß die Preußische Regierung und ihre Behörden mit Unpartheilichkeit den bedauerlichen Vorfall streng nach den Gesetzen behandelt hätten, und daß diese vielfach erörterte Angelegenheit nunmehr auf sich beruhen bleiben werde. Diese Hoffnung ist nicht in Erfüllung gegangen. Wie Eure Excellenz aus der abschriftlichen Anlage gefälligst ersehen wollen, hat vielmehr Lord Augustus Loftus von seiner Regierung den Auftrag erhalten, mir eine weitere Depesche in der Sache vorzulegen, und sie mir abschriftlich mitzutheilen.

Zunächst kann ich nur bedauern, daß in diesem Schriftstücke, obwohl es zur Mittheilung an eine befreundete Regierung bestimmt war, eine Ausdrucksweise Platz gegriffen hat, welche keineswegs denjenigen Rücksichten entspricht, die sonst in ihren Mittheilungen befreundete Regierungen sich schuldig zu sein glauben. Eine solche Ausdrucksweise erscheint im vorliegenden Falle um so weniger gerechtfertigt, als die in der Depesche aufgestellten Ansichten und Behauptungen fast durchgängig mit der wahren Sachlage, wie sie dem Britischen Gouvernement actenmäßig von mir mitgetheilt ist, im Widerspruche stehen. Ich werde mich darauf beschränken, dies in einer kurzen Beleuchtung der in der Depesche hervorgehobenen vier Punkte nachzuweisen.

Zu 1. Durch das Zeugniß der Eheleute Parow und des ꝛc. Buchholz steht fest, daß der Capitain Macdonald von Anfang an dem Einsteigen dieser Reisenden theils die Drohung der Gewalt, theils die Anwendung der Letzteren selbst entgegengestellt hat. Gleichwohl hat der hinzugerufene Bahnhofs-Inspector es keineswegs an dem Versuche fehlen lassen, durch höfliche Vermittelung den Grund des Streites zu beseitigen. Er bot dem Capitain Macdonald und seiner Reisegesellschaft die Einräumung eines andern Coupés an. Als er in diesem Sinne den Herrn Kuhe von dem Wiedereinsteigen abhalten wollte, brauchte der Capitain Macdonald Gewalt, indem er seinen Schwager in den Wagen hineinzog und den Bahnhofs-Inspector mit der Faust vor die Brust stieß. Nach solchem Benehmen blieb nur der Befehl übrig, den Capitain Macdonald

aus dem Wagen zu entfernen. Ein solcher Befehl kann einem Reisenden gegenüber, welcher den Aufforderungen des Beamten mit persönlichem Gewalt-Angriffe antwortet, nur als die unerläßliche Wiederherstellung der schwer verletzten Ordnung angesehen werden.

Zu 2. Es beruht lediglich auf einem Irrthume, wenn angenommen wird, daß der Capitain Macdonald zu irgend einer Zeit eine Caution angeboten habe, um seine Freiheit zu erlangen. Der noch auf dem Bahnhofe geschehenen Aufforderung, eine Caution von 10 Thalern zu deponiren, hat der Capitain Macdonald nur Schweigen, seine Schwägerin Kuhe aber die Beschuldigung entgegengesetzt, das sei Prellerei. Als nunmehr der Capitain Macdonald verhaftet und in das Gefängniß abgeführt wurde, ist weiterhin weder von ihm, noch von seinem Vertheidiger, ein Antrag gestellt worden, ihn gegen Caution der Haft zu entlassen.

Zu 3. Die Aeußerung des Staats-Procurators Möller in Bezug auf das Benehmen einzelner (nicht etwa aller) Englischen Reisenden ist von der Preußischen Regierung selbst als eine unziemliche anerkannt worden. Von der vorgesetzten Behörde ist, in voller Beachtung des bestehenden Gesetzes, die Disciplinar-Untersuchung eingeleitet und die gesetzliche Strafe verhängt worden. In Bezug auf diesen Zwischenvorfall ist mithin die erforderliche Genugthuung erfolgt und damit die Sache vollständig erledigt.

Zu 4. Den in Bonn wohnhaften Engländern mußten die Preußischen Einrichtungen und Gesetze hinlänglich bekannt sein, um ihnen unzweifelhaft zu machen, daß es zwar Jedermann freisteht, durch die Zeitungen seine vermeintlichen Beschwerden zur Sprache zu bringen, daß aber öffentliche Beleidigungen, die durch Zeitungs-Artikel verübt werden, die gesetzlichen Strafen nach sich ziehen. Jene Engländer hatten daher nur die nothwendige Folge ihrer Leidenschaftlichkeit zu tragen, wenn sie, ohne gehörige Ueberlegung, Beschuldigungen gegen einen Beamten durch die Zeitungen veröffentlichten. Auch in dieser Beziehung hat die Preußische Regierung lediglich das Gesetz walten lassen. Es war dies lediglich Sache der Gerichte, in deren Functionen die Regierung als solche einzugreifen nicht befugt ist.

Von irgend einer Härte, mit welcher, wie Lord John Russell sich ausdrückt, das Gesetz durchgesetzt worden sei, kann nach der offenkundigen Lage der Sache keine Rede sein. Ueber die Persönlichkeit des Capitains Macdonald hatte man gar keine nähere Kenntniß, als seine Verhaftung durch sein eigenes Verhalten erforderlich wurde. Sein gewaltthätiges Benehmen war nicht dazu angethan, ihn als eine Person höheren Ranges und von Auszeichnung kenntlich zu machen. Auf die Aufforderung, eine Caution von 10 Thalern niederzulegen, war er nicht eingegangen. Nachdem er aber einmal dem Gerichte überwiesen war, lag es für die Preußische Regierung außerhalb aller Möglichkeit, in den Gang der Justiz einzugreifen. Sie hat dies, gerade ihrer engen und freundschaftlichen Beziehungen zu England wegen, lebhaft bedauert, und diesem Bedauern nicht nur in der Note an Lord Bloomfield vom 30. November v. J. Ausdruck gegeben, sondern sich auch bemüht, durch Beschleunigung der Untersuchung die Lage des Capitains Macdonald zu erleichtern.

Wie übrigens ein Vorwurf daraus hergeleitet werden kann, daß die gerichtliche Verfolgung gegen die Unterzeichner des Bonner Zeitungs-Artikels fortgesetzt worden sei, während Verhandlungen über die Angelegenheit des Capitains Macdonald zwischen beiden Regierungen noch schwebten, vermag ich mir nicht zu erklären. Der Gang der Justiz ist in Preußen ein von jeder Einwirkung der Regierung ebenso freier und selbstständiger, wie in England. Ihn zu hemmen, liegt außer der Befugniß der Regierung. Jene Verhandlungen konnten auch keinen anderen Zweck haben, als der Britischen Regierung die gewünschte Aufklärung über die wirkliche Sachlage zu verschaffen. Die Entscheidung lag nur in der Hand der Gerichte, nicht in der der Regierung.

Ich muß hiernach die Ansicht entschieden zurückweisen, als habe die Preußische Regierung in dieser Angelegenheit durch ihr Handeln oder Unterlassen irgend eine der Rücksichten verletzt, welche sie einer befreundeten Regierung, wie der Britischen, schuldig ist. Daß eine solche Ansicht in der Englischen Presse auftauchte, mag erklärlich sein, da diese ihre Nachrichten nur aus den einseitigen Darstellungen des Capitains Macdonald und der in Bonn wohnhaften Engländer schöpfte und zum Theil es sogar verweigerte, unpartheiischeren Mittheilungen Raum in ihren Blättern zu geben. Auf das Lebhafteste aber kann ich es nur beklagen, daß die aus den gerichtlichen Verhandlungen gewährten Mittheilungen über den wahren Hergang es nicht vermocht haben, die Britische Regierung, selbst nach Anhörung des Kronjuristen, von dem Aussprechen eines Urtheiles abzuhalten, welches mit den gerichtlich festgestellten Thatsachen im entschiedenen Widerspruche steht.

Ich ersuche Eure Excellenz ergebenst, gegenwärtiges Schreiben Lord John Russell vorzulesen, und ihm eine Abschrift desselben zu übergeben.

Berlin, den 27. Februar 1861.

Der Minister der auswärtigen Angelegenheiten.
Im Auftrage:
(gez.) Gruner.

(Translation.)

AFTER the detailed communications which I made to Lord Bloomfield relative to the affair of Captain Macdonald on the 30th of November, and to your Excellency on the 8th of December last, I thought I might hope that the British Government would be convinced that the Prussian Government and its authorities had impartially treated this unfortunate occurrence in strict accordance with the laws, and that this much-discussed affair would now remain at rest. This hope has not been realized; but, as your Excellency will see by the inclosed copy, Lord Augustus Loftus has been commissioned by his Government to present a further despatch, and to communicate to me a copy thereof.

First of all, I can only regret that, in this paper, although it was intended to be communicated to a friendly Government, a style of expression has been used which is by no means in harmony with those considerations which friendly Governments usually think themselves bound to observe. Such style of expression in the present case seems the less justified, inasmuch as the views and the assertions put forth in this despatch are almost wholly in opposition to the real state of the case, as it was communicated by me to the British Government from the documents. Hereupon I will confine myself to a proof of this, in a brief examination of the four points brought forward in the despatch:—

1. By the testimony of Parow and his wife, and of Buchholtz, it is shown that, from the first, the entrance of those travellers was opposed by Captain Macdonald, partly by a threat of force, and partly by the actual employment of force. Nevertheless, the Railway Inspector, on being called, left no means untried to remove the cause of dispute by polite intervention. He offered Captain Macdonald and his party admission to another *coupé*. While he, with this view, tried to prevent M. Kuhe from getting in, Captain Macdonald used force, pulling his brother-in-law into the carriage, and thrusting his fist against the Inspector's breast. After such conduct nothing was left to do but to order Captain Macdonald's removal from the carriage. Such an order towards a traveller who has replied to the summons of an official person by a forcible personal attack, can only be looked upon as the indispensable restoration of seriously violated order.

2. The assumption that Captain Macdonald at any time offered security to obtain his liberty rests simply upon an error. To the demand made at the station to deposit a security of 10 thalers, Captain Macdonald replied by silence only, while his sister-in-law, Kuhe, opposed the accusation that it was extortion. When once Captain Macdonald was arrested and conducted to prison, no further proposition was made by him or his defender to let him out of custody on security.

3. The assertion of Staats-Procurator Möller in reference to the conduct of individual (not almost all) English travellers, is admitted by the Prussian Government itself as unbecoming. A disciplinary inquiry was instituted by the constituted authorities, with full observance of the existing law, and the legal penalty awarded. In reference to this episodical occurrence, the requisite satisfaction has therefore resulted, and consequently the matter is completely settled.

4. The English residents in Bonn are sufficiently acquainted with the Prussian laws and regulations to be aware that it is indeed permitted to every man to make known his supposed grievances in the newspapers, but that public offences ("Beleidigungen") committed through articles in newspapers bring after them a legal penalty. Those Englishmen, therefore, only suffered the necessary consequences of their excited feelings, when they, without due consideration, published in the newspapers accusations against an official person. In this matter also the Prussian Government has simply put the law in force

("walten lassen"). This was purely a matter for the tribunal, with whose functions the Government, as such, is not competent to interfere.

The facts of this case being so notorious, there can be no question of any harshness with which, as Lord John Russell expresses himself, the law has been carried out. No knowledge whatever existed of the personal quality of Captain Macdonald when his own conduct rendered his arrest necessary. His violent behaviour was not calculated to make him known as a person of high rank and distinction. Even the demand to deposit a security of 10 thalers was not assented to. When once he was given over to justice, it was no longer possible for the Prussian Government to interfere with the course of it. It has deeply regretted this, and especially because of its close and friendly relations with England; it gave expression to this regret, not only in the note of the 30th of November last to Lord Bloomfield, but also in its endeavour to alleviate the position of Captain Macdonald by hastening his examination.

I cannot understand, for the rest, how a reproach can be drawn from the circumstance that the legal prosecution against the signers of the article in the Bonn newspaper was carried out while the discussions upon the affair of Captain Macdonald were pending between the two Governments. The course of justice in Prussia is as free from all influence of the Government, and as independent, as in England. It is not in the competence of the Government to impede it; and those discussions could have no other object than to furnish the British Government with the desired explanation as to the actual state of the case. The decision was solely in the hands of the tribunal, not in those of the Government.

I must, therefore, decidedly repel the view taken, that the Prussian Government has in this affair, by its acts or its omissions, violated any of the considerations which it owes to a friendly Government like the British. That such an opinion has appeared in the English press may be explained, inasmuch as it has gathered its information only from the partial representations of Captain Macdonald and of the English residents in Bonn, and to some extent has even refused to give insertion in its pages to impartial communications. But I can only most deeply deplore that the communications which the legal proceedings have furnished as to what really took place have not sufficed, even after hearing the Crown Jurists, to restrain the British Government from the expression of a judgment which is in decided opposition to the facts legally proved.

I beg your Excellency to be pleased to read this despatch to Lord John Russell, and to give him a copy thereof.

By order of the Minister of Foreign Affairs,

(Signed) GRUNER.

*Berlin, February* 27, 1861.

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No. 56.

*Lord Wodehouse to Captain Macdonald.*

Sir, *Foreign Office, March* 12, 1861.

IN reply to your letter of the 22nd ultimo, I am directed by Lord John Russell to transmit to you for your information copy of a despatch which his Lordship addressed on the 11th ultimo to Her Majesty's Chargé d'Affaires at Berlin, and a translation of a despatch in reply from the Prussian Minister for Foreign Affairs, which has been communicated to Her Majesty's Government by Count Bernstorff.*

You will perceive from this latter despatch that the Prussian Government continue to deny that you suffered any injustice.

I have, &c.

(Signed) WODEHOUSE.

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* Nos. 52 and 55.

No. 57.

*Captain Macdonald to Lord J. Russell.—(Received March 28.)*

My Lord, *Flag Court, St. James's Palace, March 26, 1861.*

I HAVE the honour to acknowledge the receipt of a letter from Lord Wodehouse, dated 12th instant, inclosing copies of your Lordship's despatch to Mr. Lowther, together with a translation of M. Gruner's despatch to Count Bernstorff, dated February 27.

It is with the greatest reluctance that I again trouble your Lordship, but I feel it to be only due to myself not to leave the statements advanced by M. Gruner unrefuted.

To begin with, that gentleman says: "By the testimony of Parrow and his wife, and of Buchholtz, it is shown that from the first the entrance of those travellers was opposed by Captain Macdonald, partly by a threat of force, and partly by the actual employment of force." Now, my Lord, this statement is not only untrue in itself, but also utterly at variance with the testimony of the witnesses for the defence, viz., Dr. Meyer, Mademoiselle Harrietta Hövel, and subsequently, at the trial for libel on the 18th of December, 1860, Madame Heyden Wolff. I say nothing of the testimony of my fellow travellers, my sister Mrs. Kuhe, and her husband, although it might well be allowed to weigh against that of Dr. and Mrs. Parow, who cannot certainly be called impartial witnesses.

I will not weary your Lordship with a repetition of the evidence given on these trials, but merely allow myself to direct your Lordship's attention to the same. A careful analysis of that evidence will, I think, convince every impartial person of the incorrectness of M. Gruner's statement.

He then goes on to say that Hoffmann civilly offered to show me to another carriage, but that I refused to comply with his directions, and on his attempting to prevent Mr. Kuhe from getting in, struck Hoffmann violently on the chest. It is scarcely necessary for me to attempt to disprove this statement. The tribunal before which I was arraigned having declared that it "recognised in the conduct of Macdonald not so much an attack upon, but only an insult towards the railway inspector on duty," thus acquitting me of the charge of assault. The Prussian Government, your Lordship perceives, will not, in their attacks upon me, allow me even the benefit of the decision of their own Court of Justice. How much less can I expect them to give credence to the evidence of my witnesses!

If they would have the fairness to do the latter, I think they would be compelled to acknowledge that the evidence of Dr. and Mrs. Parow, of Buchholtz, and Hoffmann, is completely refuted. The witness Madame Heyden Wolff, in her testimony on the 18th December, shows that Parow actually prevented her from coming forward as evidence in my favour on the day of my own trial. Is this the bearing of a man confident of the truth of his assertions? But unworthy as Dr. Parow's conduct has been, it is not of him that I complain. It is of the Government, which has, without impartially weighing the evidence on either side, chosen to credit every assertion, however malignant, that has been made against me, no matter from what source it has proceeded.

I still maintain, as I did before, that I have been cruelly and unjustly treated, in the first instance by the railway officials, and subsequently illegally by the police authorities; that is to say, if the Law of the 1st February, 1850, providing for the liberty of the subject ("Gezetz zum Schutze der persönlichen Freiheit") is to be considered as obtaining in Prussia. I again beg leave to remind your Lordship that I was taken into custody on the Wednesday, and that it was not till the Saturday following that the order of detention ("Verwahrungs-Befehl") was lodged in the hands of the jailer. This, although a direct contravention of the law, has remained unnoticed by the Prussian Government, who absolutely refuse an apology to myself, who have suffered from the illegal acts of their authorities.

So far, indeed, from offering one word of apology for, or regret at, the indignities I have suffered, the Prussian Government, by their mouthpiece, M. Gruner, have cast imputations on my character as a gentleman, even taking the trouble to attempt to show that I refused, either out of parsimony or want

of means, to pay the paltry sum of 10 thalers. I distinctly deny that I, either forcibly or otherwise, opposed the entrance of any travellers into the carriage I was occupying, or that I conducted myself, at any time, in an unbecoming manner. This I do not offer as a mere assertion, but your Lordship will find it rests on the testimony of the witnesses Hövel, Meyer, and Madame Heyden.

In conclusion, and while begging your Lordship to accept my best thanks for the kind energy with which you have supported my cause, your Lordship will forgive my expressing my surprise at the decision come to by the Law Officers of the Crown. I am ready to affirm upon oath, and am able to bring witnesses to confirm my statement, that I was not only cruelly but illegally treated, according to the laws obtaining in Prussia, and I trust that your Lordship will see fit to direct the attention of the legal advisers of Her Majesty to the facts to which I have adverted.

I have, &c.

(Signed) G. V. MACDONALD,
*Exon in Waiting.*

# PAPERS

RELATING TO

# THE ANNEXATION

OF

# EASTERN SANTO DOMINGO

TO

# SPAIN.

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*Presented to the House of Commons by Command of Her Majesty.*
1861.

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# Papers relating to the Annexation of Eastern Santo Domingo to Spain.

No. 1.

*Consul Hood to Lord J. Russell.—(Received April* 13.)

(Extract.) *Santo Domingo, March* 21, 1861.

THE Republic of Santo Domingo has ceased to exist, and this part of the island has become a portion of the dominions of the Queen of Spain.

Since the beginning of this month rumours were allowed to circulate respecting the possibility of a Spanish Protectorate, and on the evening of the 17th instant a printed invitation was largely circulated, calling upon the inhabitants to assemble in the Square at 6 A.M. on the following morning, to hear the result of the negotiations.

Neither I nor any of my colleagues received any invitation to attend, nor even the smallest intimation of what was about to occur; the French Consul and I therefore decided on going as private individuals to witness the proceedings, as we wished to judge for ourselves, and not to trust to the testimony of others. We arrived at the Square a little before 6 A.M.; there was then not a single person to be seen. By 7 o'clock there had arrived about fifty persons. We then went to the fort, where we found some regular troops and some of the National Guard under arms, the whole number not reaching 300. At 8 o'clock they were ordered to pile their arms, and then marched to the Square, where they were formed in front of the balcony of the Tribunal of Justice. Shortly afterwards General Santana arrived, accompanied by Vice-President Alfan and his Ministers, and by all the Spanish officers here. He was not attended by any of the other authorities of the country, with the exception of the Chief of Police, the Captain of the Port, and his own aide-de-camp.

By this time there had arrived in the Square about 250 persons, of whom at least 200 were Spaniards and other foreigners, and no flag whatever was displayed, either by the troops or at any of the public places as customary.

Santana's aide-de-camp then came forward to the balcony and read a proclamation, of which I inclose a copy and translation, declaring that Santo Domingo was reincorporated with the Spanish dominions.

The Spanish flag was then hoisted at the fort, and saluted with 101 guns. The Dominican flag was hoisted near it on a smaller staff, but on the following day it was removed and has not been seen again. The vessels of war and other public buildings also hoisted the Spanish flag at the same time.

I beg also to inclose a copy and translation of a letter I have received from General Santana announcing to me this event, in which, however, he gives himself no title, nor affords any information respecting the new state of things.

The course which I have adopted, and which I intend to pursue, is to remain perfectly quiet, and to abstain completely from doing anything whatever which might be construed into a recognition or repudiation of the important change in the affairs of this country. It is on this account that I have not thought it desirable even to acknowledge the receipt of General Santana's letter. I conceive that the best line of conduct is to leave Her Majesty's Government completely free from any act of mine which might interfere with the course they may think fit to adopt.

Inclosure 1 in No. 1.

*Proclamation.*

Dominicanos,

NO hace muchos años que os recordó mi voz siempre leal y siempre consecuente, y al presentaros la reforma de nuestra constitucion política, Nuestras glorias nacionales, heredadas de la grande y noble estirpe á que debemos nuestro orígen.

Al hacer entónces tan viva manifestacion de mis sentimentos, creia interpretar fielmente los vuestros, y no me engañé: estaba marcada para siempre mi conducta; mas la vuestra ha sobrepujado á mis esperanzas.

Numerosas y espontáneas manifestaciones populares han llegado á mis manos; y si ayer me habeis investido de facultades estraordinarias, hoy vosotros mismos anhelais que sea una verdad lo que vuestra lealtad siempre deseó.

Religion, idioma, creencias y costumbres todo aun conservamos con pureza; no sin que haya faltado quien tratára de arranearnos dones tan preciosos; y la nacion que tanto nos legára, es la misma que hoy nos abre sus brazos cual amorosa madre, que recobra su hijo, perdido en el naufragio en que vé perecer á sus hermanos.

Dominicanos! solo la ambicion y el resentimiento de un hombre nos separó de la madre patria: dias despues el Haitiano dominó nuestro territorio; de él lo arrojó nuestro valor; ¡los años que desde entónces han pasado, muy elocuentes han sido para todos!

¿Dejaremos perder los elementos con que hoy contamos, tan caros para nosotros, pero no tan fuertes como para asegurar nuestro porvenir y el de nuestros hijos?

Antes que tal suceda; ántes que vernos cual hoy se ven esas otras desgraciadas repúblicas, envueltas incesantemente en la guerra civil, sacrificando en ella valientes generales, hombres de Estado, familias numerosas, fortunas considerables y multitud de infelices ciudadanos sin hallar modo alguno de constituirse sólida y fuertemente; antes que llegue semejante dia: yo que velé siempre por vuestra seguridad: yo que, ayudado por vuestro valor he defendido palmo á palmo la tierra que pisamos; yo que conozco lo imperioso de vuestras necesidades, ved lo que os muestro en la nacion Española, ved lo que ella nos concede.

Ella nos da la libertad civil que gozan sus pueblos, nos garantiza la libertad natural, y aleja para siempre la posibilidad de perderla; ella nos asegura nuestra propiedad, reconociendo válidos todos los actos de la República; ofrece atender y premiar al mérito, y tendrá presente los servicios prestados al pais; ella en fin, trae la paz á este suelo tan combatido, y con la paz sus benéficas consecuencias.

Si, Dominicanos! de hoy mas descansareis de la fatiga de la guerra, y os ocupareis con incesante afan en labrar el porvenir de vuestros hijos.

La España nos proteje, su pabellon nos cubre, sus armas impondrán á los estraños; reconoce nuestras libertades, y juntos las defenderemos, formando un solo pueblo, una sola familia, como siempre lo fuimos: juntos nos prosternaremos ante los altares que esa misma nacion erigiera; ante esos altares que hoy hallará cual los dejó, intactos, incólumes, y coronados aun con el escudo de sus armas, sus castillos y leones, primer estandarte que al lado de la cruz clavó Colon en estas desconocidas tierras, en nombre de Isabel Primera, la Grande, la Noble, la Católica; nombre augusto que al heredarle la actual Soberana de Castilla, heredó el amor á los pobladores de la Isla Española; enarbolémos el pendon de su monarquía, y proclamémosla por nuestra Reina y Soberana.

Viva Doña Isabel II!
Viva la Libertad!
Viva la Religion!
Viva el Pueblo Dominicano!
Viva la Nacion Española!

*Santo Domingo*, 18 *de Marzo*, 1861.

(Firmado) SANTANA.

(Translation.)

Dominicans,

IT is not many years since my voice, always loyal, always consistent, and while presenting to you the reform of our political Constitution, reminded you of our national glory inherited from the great and noble race to which we owe our origin.

When I then made so strong a manifestation of my sentiments, I believed that I faithfully interpreted yours, and I did not deceive myself; my conduct was always traced out, but yours has exceeded my hopes.

Numerous and spontaneous popular manifestations have reached me; and if yesterday you invested me with extraordinary powers, to-day you yourselves are anxious that what your loyalty always desired should become a truth.

Religion, language, customs, are all preserved with purity, not without there having been some who have endeavoured to rob us of such precious gifts; and the nation which has given us so much is the same which now opens to us her arms like a fond mother who recovers her son, lost in the wreck in which he sees his brothers perish.

Dominicans! the ambition alone and the revenge of one man separated us from the mother-country; a few days afterwards the Haytians ruled our territory; our valour drove them from it; the years which have passed since then have been very eloquent for all.

Shall we allow to be lost the elements with which we now reckon, so dear to us, but not sufficiently strong to ensure our future nor that of our children?

Before such a thing should occur; before we see ourselves like those other unhappy Republics, involved constantly in civil wars, sacrificing in them valiant Generals, Statesmen, numerous families, large fortunes, and a multitude of unhappy citizens, without finding the means of constituting themselves in a solid and strong manner; before such a day should arrive, I, who watched always for your security; I, who, assisted by your valour, have defended inch by inch the ground on which we stand; I, who know how imperious are your wants, see what I offer you in the Spanish nation! see what she concedes to us!

She gives us the civil liberty which our people enjoy, guarantees natural liberty, and removes for ever the possibility of losing it; she ensures our property, recognizing as valid all the acts of the Republic; she offers to attend to and reward merit, and will bear in mind the services rendered to the country; she, in fine, brings peace to this soil so harassed, and with peace, its beneficent consequences.

Yes, Dominicans! henceforward you will rest from the fatigues of war, and you will occupy yourselves with untiring energy in working out the future of your children.

Spain protects us; her flag covers us; her arms will impose upon strangers; she recognizes our liberties, and together we shall defend them, forming one sole people, one family, as we always were: together we will prostrate ourselves before the altars which that nation may build; before those altars which she will now find as she left them, intact, safe, and still crowned with the shield of her arms, her castles, and lions; the first standard which, beside the Cross, Columbus erected in these unknown lands, in the name of Isabel I, the Great, the Noble, the Catholic; an august name, which the present Sovereign of Castille inherited, inheriting at the same time the love of the inhabitants of the Island of Hispaniola. Let us hoist the flag of her Monarchy, and proclaim her as our Queen and Sovereign.

Long live Isabel II!
Viva Liberty!
Viva Religion!
Viva the Dominican People!
Viva the Spanish Nation!

*Santo Domingo, March* 18, 1861.

(Signed) SANTANA.

Inclosure 2 in No. 1.

*General Santana to Consul Hood.*

Señor Consul, *Santo Domingo*, 18 *Marzo*, 1861.

EL acontecimento que acaba de tener lugar y por el cual la Republica Dominicana vuelve á formar parte integrante, come lo fué durante 328 años, de la nacion Española, me pone en el deber de manifestarselo á S.S. officialmente rogandole se sirva elevarlo á conocimiento de su Gobierno.

Interprete de la voluntad de los pueblos que hasta aqui conservaron con fidelidad los principales elementos de la civilizacion Española, y apoyado en su voluntad soberana, tan libre, espontanea y pacificamente manifestada, se ha verificado el acto solemne de reincorporacion á la Monarquia Española que tengo la honra de poner en conocimiento de S.S.

En estos momentos, grande es mi satisfaccion al espresar á S.S. los sentimientos de gratitud que el pueblo Dominicano abrigará siempre por las distinguidas pruebas de buena inteligencia y alto afecto que ha recibido de la nacion de que S.S. es digno representante, y sobre todo lo mucho que agradecer debe á los buenos oficios de S.S. en las diferencias que han ocurrido entre los Gobiernos Dominicano y Haitiano.

Quedo, &c.
(Firmado) SANTANA.

(Translation.)

Sir, *Santo Domingo, March* 18, 1861.

THE event which has just occurred, and by which the Dominican Republic returns to be an integral part, as it was during 328 years, of the Spanish nation, imposes on me the duty of making it officially known to you, begging that you will bring it to the knowledge of your Government.

Interpreter of the will of the people who have hitherto preserved faithfully the principal elements of Spanish civilization, and supported by the sovereign will, so freely, spontaneously, and peaceably manifested, the solemn act of reincorporation to the Spanish Monarchy has been effected, which I have the honour to make known to you.

In these moments I have great satisfaction in expressing to you the sentiments of gratitude which the Dominican people will always entertain for the distinguished proofs of good friendship and high esteem which they have received from the nation of which you are the worthy representative, and above all the great gratitude they must feel for your good offices in the differences which have occurred between the Dominican and Haytian Governments.

I remain, &c.
(Signed) SANTANA.

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No. 2.

*Consul-General Crawford to Lord J. Russell.*—(*Received April* 15.)

(Extract.) *Havana, March* 24, 1861.

I HASTEN to report to your Lordship that an expedition, consisting of about 1,000 men of all arms, was dispatched this morning by the Spanish steam-frigate "Blanca," of 40 guns, and the steam-sloop "Blasco de Garay," 6 guns, said to be destined for Santo Domingo.

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Inclosure 1 in No. 2.

*Consul Forbes to Consul-General Crawford.*

Sir, *St. Jago de Cuba, March* 24, 1861.

I HAVE the honour to inclose, for your information, a slip cut from the "Diario Redactor," of this city, of to-day's date, publishing the fact that the

Republic of Santo Domingo had on the 18th current declared itself annexed to Spain, and the arrival here of two Commissioners yesterday (23rd) to notify the same to the Spanish Government.

Brigadier Letona has borrowed the merchant-steamer "Guantánamo" to send them down to Batabanó, *en route* to Havana, and they will sail this afternoon.

I have, &c.
(Signed) JAMES FORBES.

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Inclosure 2 in No. 2.

*Extract from the "Redactor" of March* 24, 1861.

*Cuba*, 23 *de Marzo de* 1861.

IMPORTANTE.—HOY, Sábado, ha entrado en nuestro puerto un pailebot de Santo Domingo, conduciendo á su bordo á los Señores Don Apolinar de Castro y Don Manuel J. de Heredia, comisionados por el Gobierno de aquella República para notificar al de Su Magestad, que por un acto espontáneo de los habitantes de aquel territorio se ha proclamado el 18 del actual su anexion á la nacion Española.

(Translation.)

*Cuba, March* 23, 1861.

IMPORTANT.—TO-DAY, Saturday, a pilot-boat from Santo Domingo has entered our harbour, having on board Don Apolinar de Castro and Don Manuel J. de Heredia, commissioned by the Government of that Republic to notify to that of Her Majesty that, by a voluntary act of that country, its annexation to the Spanish nation was proclaimed on the 18th instant.

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No. 3.

*Mr. Edwardes to Lord J. Russell.—(Received April* 22.)

My Lord, *Madrid, April* 17, 1861.

THE mail from Cuba has arrived and brought to the Spanish Government the official account of the proceedings at Santo Domingo; and I have the honour to furnish your Lordship with the following details:—

In the course of last month the Spanish Consul at Santo Domingo presented himself to the Governor-General of Cuba, and stated that the Dominican Republic had decided upon annexing itself to Spain; requesting his Excellency to accept this spontaneous offer, and to send officers and troops to incorporate it in the Spanish dominions. Shortly afterwards an Envoy of the President of the République arrived and repeated the offer in the same terms.

Marshal Serrano declined taking any decision until he should be fully convinced that such was the free and express desire of the whole of the Dominican population; and the Envoy having assured him that such was the irrevocable determination of the Republic, he consented to send to Santo Domingo the ships and troops that they asked for, but upon condition that not a single Spanish soldier should put foot on shore until, by means of the Municipalities, by universal suffrage, or by some other clear and distinct manner, a "plebiscite," or something equivalent, decreeing the annexation should have been voted; and that, even in that case he would not accept it otherwise than *ad interim*, and *ad referendum* to the decision of the Government of Her Catholic Majesty.

After this declaration, he dispatched the ships, with 3,000 men on board, to lie off the coast of Santo Domingo.

Lastly, Señor Castellanos, Dominican Minister at Paris, has written to M. Calderon Collantes, as well as to the Duke of Tetuan, stating that he has received despatches from the President of the Republic at Santo Domingo, announcing its irrevocable determination to annex itself to Spain.

I am assured that the above is the whole of the information which the

Spanish Government admits having received; and from reports that have reached me from various quarters, I think I may assure your Lordship that it is not likely to come to a hasty decision upon the subject.

I have, &c.

(Signed) R. EDWARDES.

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No. 4.

*Consul-General Crawford to Lord J. Russell.*—(*Received April* 29.)

My Lord, *Havana, March* 30, 1861.

I HAVE the honour of inclosing herewith to your Lordship copies of the Gazette which officially announces the Dominican Government's having resolved to put itself under Spanish rule.

And I beg leave to acquaint your Lordship that the screw-frigate "Berenguela," 36, the paddle-wheel corvette "Francisco de Asis," 16, and paddle-steamer "Velasco," 6, sailed this morning for Santo Domingo, carrying the Spanish Admiral Don Joaquin Rubalcava and the Brigadier Pelaez, lately Chief of the Staff here, who is gone as Commander-in-chief of the land forces of the expedition. I understand that these ships took additional troops, and a considerable number of artillery and field-pieces, with, it is said, about 500,000 dollars in gold for the Treasury of the acquired colony.

I have, &c.

(Signed) JOS. T. CRAWFORD.

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Inclosure in No. 4.

*Extract from the "Gaceta de la Habana" of March* 30, 1861.

EL pueblo y el Gobierno Dominicanos acaban de proclamar su union á la Monarquia Española, declarándose subditos de Su Magestad la Reina y enarbolando de uno á otro extremo del pais el pabellon de Castilla con el entusiasmo de un pueblo que tras largos padecimientos y ante un porvenir sombrío busca resuelto el alivio, el reposo y la salvacion de grandes riesgos en una empresa de muchos años acariciada como plena realizacion de un destino y cumplida satisfaccion de naturales sentimientos.

Así lo anuncia al Excelentismo Señor Gobernador y Capitan General de nuestra isla el ilustre General Señor Don Pedro Santana, Presidente de la República, á su vez proclamado para el presente caso depositario de toda autoridad y órgano inmediato de los sentimientos y deseos de los Dominicanos cerca de nuestra augusta Soberana. Así lo aseguran de otra parte personas respetables comisionadas por el mismo Señor General, y asì, en fin, lo declaran las noticias particulares que la Capitania-General de la Isla ha recibido al propio tiempo, y que confirman con la mas perfecta uniformidad la libre y espontánea manifestacion de la voluntad de los habitantes todos del territorio Dominicano, tanto mas estimable hoy, cuanto determina por su persistencia una decision no menos honrosa para los que la proclaman, que para la nacion que supo dejar en aquella tierra tan profundamente arraigado el amor á su nacionalidad y la confianza en su celo paternal y en su justicia.

Al Gobierno de Su Magestad reserva naturalmente integra nuestro Excelentisimo Señor Gobernador y Capitan-General la resolucion sobre los deseos del pueblo y del Gobierno Dominicanos; pero como esto no pudiera verificarse sin que, una vez enarbolada la bandera nacional y proclamada la autoridad de España, se acudiera á preservarlas y á garantizar la seguridad del territorio y la tranquilidad de sus habitantes de un modo digno de la Madre Patria, nuestra primera autoridad ha resuelto enviar á Santo Domingo las fuerzas y recursos que ha juzgado necesarios al efecto. Y tal es el objeto de la salida de las tropas y buques de guerra que van á partir á las ordenes del Excelentisimo Señor Jefe de Escuadra Don Joaquin Gutierrez de Rubalcava, Comandante-General de este apostadero.

Sea cualquiera la resolucion del Gobierno de nuestra augusta Soberana, y

será siempre digna del mas elevado patriotismo, el acontecimiento mencionado tenia de antemano asegurada en esta isla toda la fraternal correspondencia que de sus habitantes merece el amor profundo de los Dominicanos hácia España; y estamos ciertos de que los exactos términos con que acabamos de referirlo serán nuevo y justo motivo de cordial satisfaccion para quienes tan ardientemente se interesan en la ventura de la patria.

Hé aquí la proclama publicada por el Excelentisimo Señor General Santana despues de numerosas manifestaciones populares en las provincias:—

[The Proclamation above referred to will be found at page 2.]

(Translation.)

THE Dominican nation and Government have just proclaimed their union with the Spanish Monarchy, declaring themselves subjects of Her Majesty the Queen, and raising the flag of Castile from one end of the country to the other, with the enthusiasm of a people which, after long suffering and with a gloomy future before it, resolutely seeks for relief, tranquillity, and security from great peril in a long-cherished measure as a complete fulfilment of its destiny, and an entire gratification of its natural sentiments.

This has been announced to his Excellency the Governor and Captain-General of our island by the illustrious General Señor Don Pedro Santana, President of the Republic, who is in these circumstances declared the depository of all authority, and the immediate organ communicating the sentiments and wishes of the Dominicans to our august Sovereign. This is, moreover, asserted by honourable persons commissioned by the aforesaid General, and, finally, it is thus declared in the private intelligence duly received by the Government ("Capitania General") of the island, which has been confirmed with the most perfect uniformity by the free and spontaneous manifestation of the will of all the inhabitants of the Dominican territory, which is the more valuable inasmuch as its stedfast determination has produced a result no less honourable to those who have proclaimed it than to the nation which left so deeply rooted in that country the love of its nationality, and a confidence in its paternal zeal and in its justice.

Our most excellent Governor and Captain-General naturally leaves it to Her Majesty's Government to make its resolution upon the desires of the Dominican nation and Government; but as this cannot be done without defending the national flag when once it is hoisted, and the national authority when once proclaimed, and without protecting the safety of the territory and the tranquillity of its inhabitants in a manner worthy of the mother country, our chief authority has determined to send to Santo Domingo the forces and means which he has considered necessary for that purpose. And it is for this object that troops and ships of war are about to depart under the command of his Excellency Don Joachim Gutierrez de Rubalcava, Chief of the squadron, General-Commandant of this station.

Whatever may be the determination of our august Sovereign's Government and it is sure to be worthy of the most lofty patriotism, the event which has taken place has secured by anticipation in this island all that brotherly sympathy which is due from its inhabitants to the profound love of the Dominicans towards Spain; and we feel assured that the accurate narrative of that event which is given above will be a fresh and just cause of cordial satisfaction for those who take such an ardent interest in the future condition of their country.

Here follows the proclamation published by his Excellency General Santana, after numerous popular manifestations in the provinces.

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No. 5.

*Consul Hood to Lord J. Russell.*—(*Received April* 29.)

(Extract.) *Santo Domingo, April* 8, 1861.

I HAVE the honour to report to your Lordship that on the 6th instant, the day after the departure of the packet, a Spanish steamer arrived from Porto Rico with 800 soldiers, who were immediately landed.

Yesterday morning two Spanish steam-frigates, a steam-corvette, and a steam

transport arrived from the Havana, bringing 2,000 men under the command of General Pelaez.

On board of one of the frigates a Rear-Admiral's flag is flying.

Nine hundred men are to be sent to-day to Porto Plata.

I am informed that General Santana is to remain as Captain-General, and that General Pelaez is to be a Lieutenant Captain-General.

More troops are expected shortly, when, I am told, all the principal towns will be garrisoned.

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No. 6.

*Mr. Edwardes to Lord J. Russell.—(Received May 3.)*

(Extract.) *Madrid, April 22, 1861.*

IMMEDIATELY after the arrival of the first news of the movement in Santo Domingo, I saw the Duke of Tetuan, and inquired what truth there was in the report. His Excellency said that for some time past the Dominican Republic had made overtures to Spain to be taken under her protection, or to be annexed; that he had invariably rejected them, saying he did not consider such a step to be in the interest of either of the two countries; that latterly they had been menaced with an attack on the part of the Haytians, and had asked for military assistance; this he had refused, but had allowed them to procure some arms and artillery.

With reference to the movement, he said he knew nothing more than what had appeared in the newspapers, that he anxiously awaited the arrival of the Cuban mail, which would bring official accounts of the affair, and that the Government could not come to any decision whatever before the receipt of official information.

I waited until the first Cabinet Council had been held after the arrival of the Cuban mail, and then called again upon the Duke of Tetuan, who, in answer to my inquiries, said that the official information he had received, and which had been brought by Colonel Rizo, an officer on the Staff of Marshal Serrano, went so far as to state that, on some day between the 20th and 25th of last month, the Spanish Consul at Santo Domingo presented himself to the Governor-General of Cuba, and stated that the Dominican Republic had decided upon annexing itself to Spain, requesting his Excellency to accept this spontaneous offer, and to send officers and troops to incorporate it in the Spanish dominions. On the 28th, an Envoy of the President of the Republic arrived, and repeated the offer in the same terms.

Marshal Serrano declined taking any decision until he should be fully convinced that such was the free and express desire of the whole of the Dominican population; and the Envoy having assured him that such was the irrevocable determination of the Republic, he consented to send to Santo Domingo the ships and troops that they asked for, but upon condition that not a single Spanish soldier should put foot on shore until, by means of the Municipalities, by universal suffrage, or in some other clear and distinct manner, a plebiscite, or something equivalent decreeing the annexation, should have been voted, and that even in that case he would not accept it otherwise than *ad interim*, and *ad referendum* to the decision of the Government of Her Catholic Majesty. After this declaration, he dispatched the ships, with 3,000 men on board, to lie off the coast of Santo Domingo.

The movement, he continued, had been entirely spontaneous, and all had passed off in perfect tranquillity. There was scarcely a Spanish Agent in the island, nor a Spanish vessel within sight; consequently the news had to be conveyed in a small coasting-vessel, and it had required eight days to convey it to Porto Rico, as I understood his Excellency.

I said, that I was not authorized to say what were the views of Her Majesty's Government upon the subject, but that, availing myself of the permission he had always given me, I came to him to ascertain what were the views of the Spanish Government upon it, in order to keep my own well-informed upon the march of affairs; and I should therefore be extremely obliged to him if he would tell me all he could conveniently do.

He then said he could assure me that the Government had taken no decision whatever, neither would it do so until it received further intelligence from those latitudes. And he added, "You can tell your Government that which it will be pleased to hear, namely, that whatever may be our decision, whether or not we accept the annexation of the Island of Santo Domingo, no slavery shall exist there, because I consider it contrary to existing Treaties, and not in accordance with civilization ('contre la civilisation'). It exists in Cuba and in Porto Rico because the land requires it."

I replied, that I was very glad to receive these assurances from him, spontaneously given as they were, and that I would not fail to impart them immediately to your Lordship.

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No. 7.

*Mr. Edwardes to Lord J. Russell.*—(*Received May* 11.)

My Lord, *Madrid, May* 4, 1861.

I HAVE the honour to transmit herewith the copy and translation of an article which has appeared in the "Correspondencia" newspaper of last evening, containing the act of annexation of St. Domingo to Spain.

I have just come from Marshal O'Donnell, who informs me that no official document in the same sense has as yet reached him, but that the Cuban mail-steamer arrived at Cadiz this morning, and he expects that the despatches brought by it will reach Madrid on Monday or Tuesday next, when he will impart to me the resolution which the Spanish Government may take; but that, in the meantime, matters remain in the same state as when I had the honour of seeing his Excellency last.

I have, &c.
(Signed) R. EDWARDES.

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Inclosure in No. 7.

*Extract from the "Correspondencia" of May* 3, 1861.

HOY ha llegado el correo de Santo Domingo, con noticias que alcanzan hasta el 8 de Abril. Las gacetas y periódicos vienen llenos de las descripciones de los pronunciamientos que han tenido lugar en toda la isla.

El 28 de Marzo ya estaban pronunciados por España todos los pueblos importantes de la parte Española de la Isla de Santo Domingo, y hasta algunos fronterizos á la República de Haiti. El último que proclamó su incorporacion á España y la soberania de la Reina Isabel, fué Puertó Plata. Aqui, que era donde mas se desconfiaba, se proclamó la incorporacion á España con mas entusiasmo, si cabe, que en las demás poblaciones.

Las tropas Españolas que desembarcaron el dia 6 en Santo Domingo se limitaban á conservar el órden, siguiendo en el ejercicio de sus funciones de Presidente, el General Santana.

Inmediatamente que el General Serrano tuvo noticia del pronunciamiento de Santo Domingo envió á la bahia de Samaná la fragata "Blanca" con una compañia de artilleria y otras fuerzas de desembarco.

Todos los pronunciamientos se han verificado sin oposicion alguna y levantándose actas en las que aparece que no solo las autoridades sino todas las personas notables de la isla han proclamado por su Reina á Doña Isabel II, y vuelto con estraordinario júbilo al seno de la madre patria.

Algunos puntos importantes de Santo Domingo se pronunciaron por España antes que la capital y otros el mismo dia.

El acta que se levantó en Santo Domingo para la Proclamacion de la Reina Isabel dice así:—

"En la muy noble y leal ciudad de Santo Domingo, á los 18 dias del mes de Marzo de 1861. Nos, los abajo firmados, reunidos en la sala del Palacio de Justicia de esta capital, declaramos: que por nuestra libre y espontánea volontad, en nuestro propio nombre y en el de los que nos han conferido

el poder de hacerlo por ellos, solemnemente proclamamos como Reina y Señora á la Escelsa Princesa Doña Isabel II, en cuyas manos depositamos la soberania que hasta ahora hemos ejercido como miembros de la República Dominicana. Declaramos igualmente que es nuestra libre y espontánea voluntad, así como la del pueblo, á quien por nuestra presencia en este lugar representamos, que todo el territorio de la República sea anexado á la Corona de Castilla, á que perteneció antes del Tratado de 18 de Febrero de 1855, en Su Magestad Católica reconoció como Estado soberano el que hoy por espontánea voluntad de todos los pueblos le devuelven esa soberania, y, como va dicho, la reconoce por su legitima Soberana. En fé de lo cual lo firmamos y rubricamos con nuestras propias firmas.

(Firmado) "PEDRO SANTANA.
"ANTONIO A. ALFAN.
"JACINTO DE CASTRO.
"FELIPE FERNANDEZ D. DE CASTRO."

El Presidente que fué de la República Dominicana y hoy Gobernador-General de aquella provincia á nombre de Su Magestad, comunicó el dia 30 de Marzo el completo pronunciamiento de la Isla á las personas mas notables de la misma en los siguientes terminos :—

"Tengo la satisfaccion de anunciar á V. que por todas partes resuena el grito que la lealtad Dominicana ha lanzado, proclamando por su Reina y Soberana á la Escelsa Princesa Doña Isabel II.

"En nuestro poder obran ya los pronunciamientos de las provincias de Santo Domingo, Seybo, Azua, Vega, y Santiago, y en todas ellas ondea el pabellon que asegura nuestras libertades.

"Acepte Vd. las felicitaciones que debemos hacernos mútuamente por la parte que cada uno de nosotros toma en el júbilo general que esperimentan los pueblos al ver asegurado su porvenir.

"Dios guarde, &c.

"*Santo Domingo*, 30 *de Marzo de* 1861."

(Translation.)

THE mail arrived to-day from Santo Domingo with intelligence reaching up to the 8th of April. The newspapers and periodicals have arrived full of descriptions of the demonstrations which have been made throughout the island.

On the 8th of April all the important places in the Spanish part of the Island of Santo Domingo had declared for Spain, and even some upon the frontier of the Republic of Hayti. The last which proclaimed its incorporation with Spain and the sovereignty of Queen Isabel was Puerto Plata, and there where there was the least confidence was the incorporation with Spain proclaimed with more enthusiasm, if possible, than in the other places.

The Spanish troops, which landed on the 6th in Santo Domingo, confined their proceedings to the preservation of order, General Santana continuing in the exercise of his functions as President.

Immediately General Serrano heard of the demonstration at Santo Domingo, he sent the frigate "Blanca" with a company of Artillery and other forces for disembarkation in the Bay of Samaná.

All the demonstrations had been made without opposition of any kind ; and legal affidavits being drawn up, from which it appears that not only the authorities, but all persons of any standing in the island, had proclaimed Isabel II to be their Queen, and had returned into the bosom of the mother country with extreme delight.

Some important places in Santo Domingo had declared for Spain before the capital had done so, and some others upon the same day.

The Act which was drawn up in Santo Domingo for the proclamation of Queen Isabel runs as follows :—

"In the most noble and loyal city of Santo Domingo, the 18th of March, 1861.

"We the Undersigned, assembled together in the Hall of the Palace of Justice of this capital, declare that, by our free and spontaneous will, in our own

name and in the name of those who have empowered us to do so for them, we solemnly proclaim the Illustrious Princess Isabel II to be our Queen and Sovereign, in whose hands we depose the sovereignty which we have hitherto exercised as members of the Republic of Santo Domingo. We equally declare that it is our free and spontaneous will, as well as that of the people, whom we represent by our presence in this Hall, that the whole of the territory of the Republic should be annexed to the Crown of Castille, to which it belonged before the Treaty of the 18th of February, 1833, by which Her Catholic Majesty acknowledged as a sovereign State that which, by the spontaneous will of its whole population, restores this sovereignty to her, as is above expressed, and recognises her as its legitimate Sovereign.

"In faith of which we have signed and sealed these presents.

(Signed) "PEDRO SANTANA.
"ANTONIO A. ALFAN.
"JACINTO DE CASTRO.
"FELIPE FERNANDEZ D. DE CASTRO."

The former President of the Republic, and now Captain-General of that province, in the name of Her Majesty, communicated, on the 30th of March, the complete declaration (" pronunciamiento ") of the island to the persons of the highest standing in the same, in the following terms:—

"I have the satisfaction to announce to you that the cry of Dominican loyalty proclaiming the Illustrious Princess Isabel II to be our Queen and Sovereign resounds throughout the land.

"We have in our possession the declarations of the Provinces of Santo Domingo, Seybo, Azua, Vega, and Santiago, and in all of them the banner which assures our liberty is unfurled.

"Accept the felicitations which we owe to each other upon the part which each of us takes in the general jubilee produced in the country by its future prosperity being assured.

"God preserve, &c.

"*Santo Domingo, March* 30, 1861."

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No. 8.

*Consul Hood to Lord J. Russell.*—(*Received May* 13.)

My Lord, *Santo Domingo, April* 12, 1861.

I HAVE the honour to inclose, for your Lordship's information, a copy and translation of a Brigade Order issued on the 8th instant by Brigadier Pelaez to the troops which had arrived here on the 6th and 7th instant.

I have, &c.

(Signed) MARTIN T. HOOD.

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Inclosure in No. 8.

*Brigade Order, dated April* 8, 1861.

LA República Dominicana, despues de quarenta años de separacion, ha vuelto, por un acto espontáneo de su voluntad, al seno de la madre patria.

La fuerza de los sucesos, y no la deslealtad de sus hijos, los alejó de la metrópoli, y hoy al volver á ella, son, lo que no quisieron dejar de ser nunca, hermanos nuestros.

Antecedentes honrosos son estos que no puede ni debe echar en olvido el ejército que viene en nombre de Su Magestad la Reina (que Dios guarde!) á guarnecer esta rica y preciada antilla. Con este motivo, he tenido por conveniente hacer á los cuerpos las prevenciones generales siguientes:—

1. No existiendo esclavitud en este pais, é iguales en derecho todos sus ciudadanos, la clase de color goza de las mismas consideraciones que la blanca.

2. Consecuencia natural de lo expuesto es, que haya en la Isla Señores Generales, Gefes y Oficiales de color y blancos; pero que á todos se han de

tributar iguales respetos y consideraciones que las que señalan las Reales Ordenanzas á las respectivas jerarquias.

3. Consideraciones políticas importantes, que hasta un deber de gratitud hácia nuestros hermanos, hacen necesario que el ejército Español, modelo siempre y en todas ocasiones de disciplina y proverbial honradez, ostente aquí esas mismas prendas que tanto le enaltecen, observando una conducta prudente y cariñosa con los naturales, alejando disputas y procurando, á toda costa, conquistarse la admiracion y simpatias de los Dominicanos.

4. Los Señores Gefes de cuerpo serán, en este punto, inexorables, teniendo entendido que les exigiré la mas estrecha responsabilidad por la falta de sus subordinados, á cuyo efecto, y para prevenirlas, quedan autorizados para adoptar por sí, cuantas providencias le sujiera su celo, y conspiren al noble fin propuesto.

5. Esta órden general se leerá á las compañias por los Señores Oficiales de semana que cuidarán de inculcar en la tropa las ideas que contiene.

6. Al Excelentisimo Señor General Don Pedro Santana, Gobernador-General de la Isla, se le harán por las guardias los honores de Capitan-General de Provincia, y á los demas Señores Generales los que por su clase les correspondan.

Todo lo que hago saber en la órden de este dia para general conocimiento y cumplimiento.

(Firmado) ANTONIO PELAEZ.

(Translation.)

THE Dominican Republic, after forty years of separation, has returned to the bosom of the mother country by a spontaneous act of its own will.

The force of events, and not the disloyalty of its children, separated them from the metropolis; and now on returning to it they are, what they never ceased to wish to be, our brothers.

These are honourable antecedents, which neither can nor ought to be forgotten by the army which comes in the name of Her Majesty the Queen to garrison this rich and prized island. With this object, I have considered it convenient to make to the troops the following general directions:—

1. As slavery does not exist in this country, and all its citizens being equals in right, the coloured class enjoys the same considerations as the white.

2. The natural consequence of this is that there are in the island, Generals and officers, both coloured and white, but that to all are to be shown the same respect and consideration marked in the Royal Ordinances for their respective ranks.

3. Important political considerations, which impose even a debt of gratitude to our brothers, render necessary that the Spanish army, a model always, and on every occasion, of discipline and proverbial honesty, should show here the same characteristics which ennoble it so much, observing a prudent and friendly conduct towards the natives, avoiding disputes, and endeavouring at all cost to obtain the admiration and sympathy of the Dominicans.

4. The commanding officers shall be in this respect inexorable, understanding that I shall exact the strictest responsibility for the faults of their subordinates; for which purpose, and to prevent them, they are authorized to adopt every measure which their zeal may suggest, and which shall tend to this noble end.

5. This Brigade Order shall be read to the companies by their commanding officers, who are to inculcate in the troops the ideas it contains.

6. The guards shall show to his Excellency General Don Pedro Santana, Governor-General of the Island, the honours of Captain-General of a Province, and to other general officers those due to their rank.

All which I make known in this order of the day for general information and compliance.

(Signed) ANTONIO PELAEZ.

No. 9.

*Consul Hood to Lord J. Russell.*—(*Received May* 13.)

(Extract.) *Santo Domingo, April* 21, 1861.

I HAVE the honour to report to your Lordship that the present arrangement for the administration of public affairs is the following:—

General Santana is nominally the Governor-General, and is assisted by his former Ministers as Secretaries.

Rear-Admiral Rubalcava is the Commander-in-chief of the expedition of land and naval forces at Santo Domingo. He has established himself at the Palace, which has always been the official residence of the former Spanish Captains-General, and is surrounded by a large staff of military and naval officers. He is also accompanied by Señor Cruzat, who is his Diplomatic Secretary.

Brigadier Pelaez commands the land forces alone.

The duties of Chief of Police, Harbour Master, Judges, &c., continue to be discharged by the same persons as before.

On the 17th instant, General Santana, accompanied by Brigadier Pelaez, left this city for Azua, on board of the Spanish steamer "Pizarro," taking with them about 200 Spanish troops.

Last night, immediately after the arrival of the mail from Europe of the 2nd April, Admiral Rubalcava embarked, and left the port with two steamers, but his destination is not known.

Since the departure of the last packet there have been many arrivals of steamers from Cuba with reinforcements of troops, and with ammunition, &c.

I am informed that Señor Alvarez, the Spanish Chargé d'Affaires at Santo Domingo, has returned to Madrid.

I ought to notice also the extraordinary effect which this change of affairs has produced in the expenses of living at Santo Domingo. The present state of security has enhanced the value of the paper currency to the extent of about 30 per cent. The large increase of residents, including troops and ships of war, has caused the price of every article of living to rise more than 50 per cent.; and, in consequence of the great scarcity of habitable houses, rents have everywhere been doubled, and, in some situations, more than trebled.

Owing to the peculiar circumstances of the country, which has been allowed to fall into the lowest state of decay, I do not see the possibility, at least for some years, of any improvement in this condition.

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No. 10.

*Consul Hood to Lord J. Russell.*—(*Received May* 14.)

My Lord, *Santo Domingo, April* 21, 1861.

THE situation of the Island of Santo Domingo, between Cuba and Porto Rico, rendered it a convenient refuge for those slaves who were fortunate enough to effect their escape, and, in consequence, there exists in this part of the island a large number who have enjoyed liberty for many years, and some of whom have risen to high rank in the army.

I thought it my duty, therefore, to ascertain what effect the present change in the destiny of this country would have upon them, and in a conversation I had with Señor Cruzat, the Diplomatic Secretary of Rear-Admiral Rubalcava, the Commander-in-chief of the naval and military expedition to this island, I asked him the question, to which he replied that their owners would have a perfect right to claim them as slaves, and the Spanish Government could not refuse to deliver them up.

My present position here, and the line of conduct I have determined to observe until I receive your Lordship's instructions, did not permit me to do

more than express my surprise, and the hope I entertained that Spain would not give her sanction to such a scandal.

I should also add, that when the Spanish part of the Island of Santo Domingo declared itself independent, on the 30th November, 1821, there existed a very large number of slaves, who, by that act, regained their freedom; shortly afterwards, in February 1822, President Boyer incorporated Santo Domingo with Hayti, and on the 27th of February, 1844, it separated from Hayti, and became the Dominican Republic; during the whole of this period those former slaves have enjoyed perfect liberty and all civil rights.

If slave-owners have the right to claim those slaves who have escaped from their service at Cuba or Porto Rico by coming to this country, it appears more than probable that the same principle will be made to apply to those slaves also who escaped from the service of their masters by an act of insurrection against their Government.

And if the Spanish rule is enforced of considering all the children of slaves as the property of their masters, there will hardly be a single black or coloured person in the country who will be safe from persecution.

I cannot, of course, know what may be the intentions of the Spanish Government on this subject, but in the interest of this unfortunate class of the population I consider it my duty to lose no time in calling your Lordship's attention to it, in the hope that it may be the means of saving a large number of helpless fellow-creatures from returning to a state of slavery, after having, during so many years, enjoyed the benefits of freedom.

I have, &c.

(Signed) MARTIN T. HOOD.

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No. 11.

*Lord J. Russell to Mr. Edwardes.*

(Extract.) *Foreign Office, May* 14, 1861.

IT is for the Spanish Government to weigh in the balance of their judgment the advantages and inconveniences which may arise from the annexation of the territory of the Dominican State to the dominions of Spain, and any opinion which Her Majesty's Government may form on the subject can be founded on no other consideration than a regard for what they may look upon as the real and permanent interests of Spain.

Her Majesty's Government would, no doubt, have felt a strong and decided dissatisfaction at the proposed annexation if it had been likely to lead to the introduction of slavery into a community which is free from the taint of that pernicious institution; but the formal and repeated declarations of Marshal O'Donnell that under no circumstances will slavery be introduced into the Dominican territory, have removed the main cause which would have led Her Majesty's Government to view the proposed annexation with dislike and repugnance.

Her Majesty's Government certainly apprehended, when first this projected annexation was talked of, that it might, if carried into execution, involve Spain in unfriendly discussions, if not in conflict, either with France or with the United States, or with both. With regard to France, Her Majesty's Government have not learnt that the French Government has expressed any positive objection to the proposed arrangement, although she may not think it advantageous to Spain. It appears also, from what has been stated to you, that there is no probability at present of any positive resistance to the measure, either by the Northern or the Southern Confederation of North America. But the Spanish Government should not too confidently rely on the permanent continuance of this indifference or acquiescence on the part of the North Americans; and it is not impossible that when the civil war which is now breaking out shall have been brought to an end, an event which may happen sooner than at present appears likely, both the North and the South might combine to make the occupation of the Dominican territory by Spain the cause of serious difference between the North American Governments and that of Spain.

Her Majesty's Government do not deny that Great Britain, as a Power

naturally inclined to peace, and systematically addicted to commerce, must always view a war between any two Powers as an event not only at variance with her principles, but to a certain degree injurious to her interests. But with respect to Spain, the motives of the British Government spring from far higher sources: Great Britain and Spain have for long periods of time, and in circumstances of high moment to each, been faithful and active allies; their alliance has been greatly useful and eminently honourable to both. It is a fundamental maxim of British policy to wish well to Spain, and earnestly to desire her welfare and prosperity; and therefore any combination of events which might at any time involve the possibility of Spain being engaged in a conflict which, from local circumstances and disadvantages, might be in the end seriously injurious to her rule over her ancient possessions would be viewed by Her Majesty's Government with lively apprehension and sincere regret.

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No. 12.

*Mr. Edwardes to Lord J. Russell.—(Received May 15.)*

My Lord, *Madrid, May 10, 1861.*

I HAVE the honour to inclose the copy and translation of the last despatches which have been received by Her Catholic Majesty's Government from Marshal Serrano respecting the annexation of Santo Domingo to Spain, and which have appeared in the official Gazette.

I have, &c.
(Signed) R. EDWARDES.

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Inclosure in No. 12.

*Despatches from the Governor-General of Cuba, published in the Madrid "Gazette."*

*Capitania-General de la siempre fiel Isla de Cuba.*
Excelentisimo Señor, *Estado Mayor.*

SEGUN tuve el honor de participar á V. E. en mi carta Num. 1,607 de 31 del pasado, el dia anterior habia zarpado de este puerto para el de Samaná y Santo Domingo la escuadra que conducia las tropas destinadas á guarnecer la parte Española de dicha isla.

Al dia siguiente, 1o del actual, lo verificaron los vapores mercantes "Pájaro del Oceano" y "Cárdenas," con las compañías de infantería y artilleria de montaña dispuestas al efecto, quedando únicamente en esta el escuadron por falta de trasporte; pero el 13 del corriente embarcaron dos secciones del mismo en los vapores "Pelayo" y fragata "Princesa de Astúrias," conduciendo este además 100,000 raciones para las tropas; las otras dos secciones saldrán sobre el 20 en el "Cardenas," que regresará de hoy á mañana de Santo Domingo.

Como podrá V. E. servirse ver por las copias Núm. 1 y 2, en que General Rubalcaba y Brigadier Pelaez me participan su arribo á Santo Domingo, se verificó este y la travesía con toda felicidad, coincidiendo la llegada de la escuadra á Samaná con la de la "Blanca," que llevaba á su bordo las compañías de ingenieros y artillería á pié; y en los momentos de fondear en Santo Domingo los buques de guerra lo ejecutaron el "Pájaro" y "Cárdenas," habiendo precedido á estas fuerzas el batallon de Puerto Rico, conducido por el "Blasco," á las órdenes del Comandante del cuerpo de Estado Mayor Don Ramon Blanco, cuyo parte accompaño en copia Núm. 3.

En las comunicaciones mencionadas y números de la "Gaceta" de aquer Gobierno, que remito á V. E., verá la distribucion que se ha dado á lae fuerzas Españolas, así como lo espontáneo del movimiento anexionista de los Dominicanos, y el órden y entusiasmo que reinan entre sus habitantes, animados todos del mejor espíritu; siendo muy de notar la circunstancia de haber permanecido aquel territorio entregado á si mismo por el largo período de veinte dias, sin existir en él ni buques ni soldados Españoles, no obstante lo cual no

ocurrió el menor desórden ni síntoma alguno que no indique espontaneidad al acto de unirse á la Corona de Su Magestad la Reina (que Dios guarde!) aquella antigua parte de los dominios Españoles en America.

Dios guarde, &c.

*Habana*, 16 *de Abril de* 1861.

(Firmado) FRANCISCO SERRANO.

Excelentísimo Señor Ministro de la Guerra.

*Copia Núm.* 1.

*Capitania-General de la siempre fiel Isla de Cuba. Estado Mayor. Comandancia-General de Marina del Apostadero de la Habana.*

Excelentísimo Señor,

Despues de una navegacion de siete dias, sin otra novedad que dilatarse algun tanto por la desigualdad de marcha de los buques y vientos contrarios, llegué á este fondeadero en el dia de ayer, donde encontré á los vapores "Blasco de Garay" y "Pizarro."

Por los Comandantes de ámbos buques tuve las primeras noticias de que el pais, despues de haber proclamado espontánea y libremente á nuestra Reina y Señora, arbolando en todos los puntos del territorio la bandera Española, continuaba tranquilo, dando cada dia nuevas pruebas de adhesion. Poco despues, y habiendo conferenciado con el General Santana y otras personas de influencia, prestigio y posicion, me convencí todavia más de la veracidad de tal movimiento únanime; y como ya estuviesen desembarcadas en Santo Domingo las tropas que condujo el dia ántes de Puerto Rico el "Blasco de Garay," procedí desde luego á acordar el de parte de las que yo trasportaba, aprovechando la coincidencia favorable y poco comun en esta rada de estar la mar llana, sin cuya circunstancia hubiera sido muy dificil aquella operacion por lo tocante al personal.

De dicha conferencia y acuerdo resultó ser conveniente conducir á Puerto Plata seis compañías del batallon de la Corona, con una parte del personal de artillería que condujo la "Blanca" á Samaná, para cuyo trasporte he comisionado al vapor "Blasco de Garay," que saldrá esta tarde. Dos compañias con el resto de artillería, otra parte de ingenieros y la batería que embarcó el "Isabel la Católica" quedarán en Samaná, para cuyo punto saldrá este buque en la amanecida de mañana; y en Santo Domingo quedará por ahora la tropa de Puerto Rico, la que trasportó el vapor "Velasco" y parte de los ingenieros, que vendrán de Samaná; habiendo sido favorable la coincidencia de llegar pocas horas despues que yo el "Pájaro del Océano," de manera que pudo disponerse trabajando sin descanso el que se le desembarcase tambien el personal y todo el material que conducia.

Ningun incidente ha venido á entorpecer estas operaciones, que hasta cierto punto aparecen facilitadas por la Providencia, con el fin de que se incorpore de nuevo á la Metrópoli esta preciosa parte de las Antillas; y no han dejado de presentarse sucesos casuales, como el descubrirse un retrato de Colon pintado al fresco al derribar un tabique para dar al local mayor desahogo con que alojar á la tropa, que han sido comentado favorablemente por el público.

Tambien lo ha sido para mi la tardanza en llegar á Samaná la fragata "Blanca" y encontrarla á la boca de la bahia del mismo nombre, pues aceleró mi llegada à Santo Domingo, donde supe más pronto las noticias que allí debiera adquirir.

En tal estado de cosas, no consideró necesarios aquí los servicios de la fragata "Berenguela" y vapor "Velasco," que pueden ser más útiles en el apostadero. Por ello he dispuesto que esta vaya á Santiago de Cuba y se repueste de carbon para seguir á la Habana, y el "Velasco" lo haga directamente con el objeto tambien de que tenga V. E. estas noticias ántes del 16, en que debe salir el correo de la Peninsula.

La premura del tiempo y las ocupaciones del momento me impiden por ahora dar más detalles á V. E.; y solo añadiré que, secundando sus miras, me prometo, ó á lo ménos tengo mucha confianza en que el importante asunto puesto á mi cuidado produzca los resultados que son de desear.

Aguardo al vapor "Cárdenas" de un momento á otro con la bateria de montaña; y este vapor, que puede entrar dentro del rio, me será muy útil mientras que no pueda disponer del "Don Juan de Austria," de cuya llegada á

Samaná no tengo aun noticia, atribuyéndolo á las mismas causas que retrasaron la navegacion de la fragata "Blanca."

En el momento de cerrar este pliego entra en el puerto el vapor "Cardenas" sin novedad, conduciendo la bateria de montaña.

Dios guarde, &c.

*Rada de Santo Domingo*, 8 *de Abril de* 1861.

(Firmado) JOAQUIN GUTIERREZ DE RUBALCABA.

Excelentisimo Señor Capitan-General de la Isla de Cuba.

*Copia Núm.* 2.

*Capitania-General de la siempre fiel Isla de Cuba. Estado Mayor. Brigada Expedicionaria de Santo Domingo*

Excelentisimo Señor,

A las tres y media de la tarde del dia, de ayer fondeó la escuadra en este puerto sin novedad alguna, y en un estado satisfactorio la salud del soldado, no obstante la aglomeracion inevitable en algunos de los buques de Su Magestad que los conducian.

Al llegar frente à la bahia de Samaná lo verificaba cási á la vez de nosotros la fragata de guerra "Blanca" con las compañias de ingenieros, artilleria y demás material que conducia, siendo causa de esta demora los fuertes brisotes que reinaron, y que contrariaron en parte nuestra navegacion. La "Blanca," con la goleta que llevaba á su bordo el material de una enfermeria y otros efectos, penetró en la extensa bahia de Samaná, mientras continuaba su rumbo la escuadra.

Una vez enclada esta última en la rada de Santo Domingo, llegó á mi noticia que el batallon cazadores de Puerto Rico habia llegado el dia anterior y cubierto en seguido por orden del General Don Pedro Santana el servicio de la plaza: con cuya noticia, y la prévia anuencia del Excelentisimo Señor Comandante-General de ese apostadero, desembarqué para adquirir noticias é informar de todo á su Excelencia como así lo verifiqué.

El General Santana, el Comandante del vapor "Pizarro," y Vice-Consul de Su Magestad, y cuantos datos me procuré, trageron á mi animo la conviccion de que el acto solemne de volver este pais al seno de la madre patria fué, no solo libre y absolutamente espontáneo, sino ajeno á toda contrariedad, é hijo solo de una cimentada lealtad, acrisolada por los desengaños amargos de quarenta años consecutivos de guerras y revoluciones.

Esta persuasion, la circunstancia de estar ya cubierto el servicio de la plaza por tropas Españolas, y las súplicas reiteradas del General Santana y de cuantas personas de valer enciera esta poblacion, decidieron al Excelentisimo Señor Comandante-General de Marina á disponer el inmediato desembarco del batallon de Isabel II y seccion de Milicias de color, como así tuvo en efecto lugar, viniendo á tierra su Excelencia mismo, y recibiendo las protestas de adhesion de los empleados superiores de la Administracion de este pais en particular, y de la poblacion en general.

Esta ciudad, cási destruida en su totalidad y excasa de recursos, no era posible que los ofreciera abundantes para la tropa que llegaba á alojarse en ella; pero la buena voluntad de las autoridades y la aquiescencia del vecindario vencieron en parte las dificultades que se ofrecieran, y en este momento los batallones de cazadores de Isabel II y Puerto Rico tienen alojamiento, si no cómodo cual me propongo dárselo en breve, lo ménos malo posible, en tres conventos y una casa particular.

Tanto la falta de local para acuartelamiento, cuanto la conveniencia de cubrir ciertos puntos importantes de la isla, y secundando en ello las repetidas indicaciones del Señor General Santana, me han puesto en el caso imprescindible de resolver, con la completa aquiescencia del Excelentisimo Señor Comandante-General de Marina, que el primer batallon de la Corona se fraccione en la forma siguiente:

A Samaná, punto tan importante como V.E. conoce militar y comercialmente hablando, van dos compañías; á Puerto Plata otras dos, con mas 40 artilleros y el capitan de este cuerpo; á Santiago de los Caballeros, ciudad considerable é inmediata á la frontera Haitiana, cuatro compañías, la Plana Mayor y música del batallon.

E

Tambien he dispuesto que á Samaná se lleven 10,000 cartuchos, igual numero á Puerto Plata, y 20,000 á Santiago de los Caballeros.

He resuelto asimismo que en el primero de estos puntos quede el Capitan facultativo de Ingenieros y media compañia de este cuerpo, viniendo á Santo Domingo la otra mitad para atender á las innumerables recomposiciones que exigen los edificios del Estado en que se alojan las tropas.

Me olvidaba decir á V. E. que cuando la escuadra fondeaba en Santo Domingo, llegaba tambien el vapor "Pájaro del Océano."

El aprovisionamiento de los cuerpos me ha ofrecido algunas dificultades, que me propongo vencer sin tocar el repuesto de subsistencias.

Todo lo que tengo el honor de exponer respetuosamente á V. E., esperando que lo providenciado merezca su superior aprobacion.

Dios guarde, &c.

*Santo Domingo,* 8 *de Abril de* 1861.

(Firmado) ANTONIO PELAEZ.

Excelentisimo Señor Capitan-General del Ejército y de la Isla de Cuba.

*Copia Núm.* 3.

*Capitania-General de la siempre fiel Isla de Cuba. Estado Mayor. Cuerpo de Estado Mayor del Ejército de la Isla de Cuba.*

Excelentisimo Señor,

El dia 30 del mes de Marzo proximo pasado, á las doce de la mañana, llegué al puerto de Santo Domingo á bordo del vapor de Su Magestad "Blasco de Garay," é inmediatamente pasé á avistarme con el Excelentisimo Señor General Don Pedro Santana, al cual entregué los pliegos de que era portador, haciendole además las manifestaciones verbales que V. E. me previno á mi salida de esa capital.

El pabellon Español ondeaba ya á mi llegada en Santo Domingo, donde se habia proclamado la anexion á la Monarquia Española el dia 18 del citado mes. Acto continuo, y con arreglo á las superiores instrucciones de V. E., traté de enterarme por todos los medios posibles de la forma con que habia tenido lugar aquel movimiento, procurando formarme una idea exacta del espiritu que reinaba á la sazon en la mayoria del pueblo Dominicano. Para adquirir estos datos, en los cuales tanto debia fijarme cumpliendo con las especiales recomendaciones de V. E., no me limité á conferenciar con los ex-Ministros y demás Autoridades y empleados superiores de la capital, sino que interrogué al Vice-Cónsul de Su Magestad y á algunos de nuestros compatriotas residentes en la República.

De las noticias que por ese medio adquirí, así como de las que tambien procuré proporcionarme en mis conversaciones particulares con varias personas del pais de diversas clases y condiciones, con quienes traté de ponerme en contacto, y por los testimonios irrecusables que se presentaban á mi vista, pude convencerme de que la proclamacion de la Reina de España, verificada en la parte Española de la Isla de Santo Domingo, ha sido un acto espontáneo llevado á cabo con el más decidido entusiasmo, al paso que con el órden más admirable; que el amor á nuestra nacion y á nuestra Reina, y el deseo de volver á formar parte de la Monarquia Española, es un sentimiento de que se halla animada la inmensa mayoría de los Dominicanos.

El General Santana me manifestó que habia despachado dos goletas de guerra á las Islas de Cuba y Puerto Rico, poniendo el referido suceso en conocimiento de las respectivas autoridades superiores, y solicitando de ámbas el envio de tropas. Me manifestó tambien con cuánta impaciencia esperaba la llegada de nuestros soldados por el entusiasmo que su presencia produciria en las poblaciones, cuyos habitantes verian con extraordinario júbilo que nuestro Gobierno admitia desde luego su incorporacion á la Monarquía, y que la nacion Española no se desdeñaba de aceptar como hermanos á los hijos de Santo Domingo. Su Excelencia me pusó de manifiesto las actas de la Proclamacion verificada con igual entusiasmo en las cinco provincias de la República, siendo muy de notarse que en algunas de estas tuvo lugar aquel acto un dia ántes que en la capital; y por último, me aseguró que al llevar á cabo la obra de la anexion, no habia hecho más que colmar los votos de todos los Dominicanos, cuyo más ferviente deseo

era volver al seno de su verdadera y única patria, y ser súbditos de la mejor de las Reinas.

En vista de lo que dejo expuesto, y creyendo obrar con arreglo á las instrucciones de V. E., no vacilé en continuar el desempeño de la comision que V. E. se sirvió confiarme; y de acuerdo en un todo con el Señor Comandante del "Blasco," que formó la misma idea que yo de los sucesos que quedan consignados, y adquirió igual conviccion acerca de la espontaneidad del movimiento consumado, emprendí mi viaje para esta isla á las cinco de la tarde del mismo dia de mi llegada.

Ayer 1 de Abril arribé con el "Blasco" á esta plaza, pasando desde luego á presentarme al Excelentisimo Señor Capitan-General de la isla. Su Excelencia se hallaba en Mayagüez, y en su ausencia manifesté al Excelentisimo Señor General Segundo Cabo, encargado interinamente del mando, el objeto de mi venida y la urgencia de que el Excelentisimo Señor Capitan-General recibiera los pliegos que para él traia de V. E. El General Segundo Cabo me dijó no habia recibido instrucciones sobre el particular, no pudiendo, por lo tanto, adoptar resolucion alguna; me manifestó tambien confidencialmente que, á pesar del aviso recibido por la goleta Dominicana, comunicado por el Señor Presidente del Senado de aquella República que llegó á su bordo, el Capitan-General no habia tenido por conveniente disponer el envío de tropa solicitado por dicho Señor, sin tener para ello aviso de V. E.; peró que dispondria inmediatamente la salida de un correo extraordinario para Mayagüez. Con efecto, á la una de la tarde marchó para dicho punto un propio con los pliegos de que yo era portador, y con una comunicacion del Excelentisimo Señor General Segundo Cabo al Excelentisimo Señor Capitan-General manifestándole el resultado de mis observaciones en Santo Domingo, para que en consecuencia de ellas, y de las comunicaciones de V. E., ordenase lo que creyese conveniente. El correo debe haber llegado Mayagüez en la madrugada de hoy, siendo probable que esta noche se reciba la contestacion de su Excelencia.

Miéntras tanto el "Blasco de Garay" está haciendo carbon con toda su gente; y á pesar de lo largo y embarazoso de esta operacion, creo que estará listo para hacerse á la mar en el dia de mañana, gracias á la actividad de su celoso Comandante.

Todo lo que me apresuro á poner en el superior conocimiento de V. E. en cumplimiento de mi deber, sin perjuicio de participarle á última hora cuanto ocurra desde este momento hasta el de mi salida.

Dios guarde, &c.

*Puerto Rico, 2 de Abril de* 1861.

(Firmado) RAMON BLANCO.

Excelentisimo Señor Gobernador Capitan-General de la Isla de Cuba.

(Translation.)

*Staff of the Captain-General of the always faithful Island of Cuba.*

Excellent Sir,

AS I had the honour of informing your Excellency in my letter No. 1,607 of the 31st ultimo, the previous day the squadron conducting the troops destined to garrison the Spanish port of Santo Domingo had left this port for that of Samana and Santo Domingo.

On the following day, the 1st of the present month, the merchant-steamers "Pajaro del Oceano" and "Cardenas" weighed anchor with the companies of Infantry and Mountain Artillery, in waiting for that purpose, there only remaining in this island the squadron for want of transport; but on the 13th two sections of the same embarked in the steamers "Pelayo" and the frigate "Princesa de Asturias;" the latter also carrying 100,000 rations for the troops. The other two sections will start on the 20th in the "Cardenas," which will return from Santo Domingo to-day or to-morrow.

As your Excellency will perceive, by the copies Nos. 1 and 2, in which General Rubalcaba and Brigadier Pelaez inform me that their arrival at Santo Domingo and passage were happily effected, the arrival of the squadron at Samaná taking place at the same time as that of the "Blanca," which had on board the companies of Engineers and Foot Artillery; and at the moment of

casting anchor in Santo Domingo the ships of war "Pajaro" and "Cardenas" did so likewise; the battalion of Puerto Rico, conveyed in the "Blasco," under the orders of Don Ramon Blanco, Commandant of the corps of Etat-Major, whose despatch forms Inclosure No. 3, having arrived before them.

In the above-mentioned correspondence, and in the numbers of the "Gazette" of that Government, which I send your Excellency, you will see the distribution which has been given to the Spanish forces, as also the spontaneous annexionist movement of the Dominicans, and the order and enthusiasm existing among the inhabitants, who are all animated by the best spirit, it being a noteworthy circumstance that territory having remained abandoned to itself for the long period of twenty days, without any Spanish ships or soldiers being there, notwithstanding which circumstance there was not the slightest disturbance nor any symptom to show that it was not a spontaneous act, this union to the Crown of Her Majesty the Queen (whom God preserve) of that ancient part of the Spanish dominions in America.

God preserve, &c.

*Havana, April* 16, 1861.

(Signed) FRANCISCO SERRANO.

To his Excellency the Minister for War.

*Copy No.* 1.

*Staff of the Captain-General of the always faithful Island of Cuba. Office of the General Naval Commander of the Station of the Havana.*

Excellent Sir,

After a voyage of seven days, without anything happening except some little delay, owing to the difference of speed of the ships and adverse winds, I arrived at this anchorage in the day of yesterday, where I found the steamers "Blasco de Garay" and "Pizarro."

From the Commanders of both ships I heard the first intelligence that the country, after having spontaneously and freely proclaimed our Queen and mistress Sovereign, and hoisted the Spanish flag in all parts of the Island, remained quiet, giving every day new proofs of adhesion. Shortly afterwards, and having had conferences with General Santana and other persons of influence, prestige, and position, I convinced myself even more of the truth of such a unanimous movement; and as the troops which the "Blasco de Garay" conveyed the day before from Puerto Rico were already disembarked in Santo Domingo, I immediately proceeded to do the same with those which I transported, availing myself of the favourable coincidence of the sea being smooth, a rare occurrence in this roadstead, without which that operation would have been very difficult, as far as regards the personal effects.

From the said conference and agreement it resulted that we determined to send six companies of the battalion of the Corona to Puerto Plata, with a portion of the staff of the artillery conveyed by the "Blanca" to Samaná, for the transport of which I have commissioned the steamer "Blasco de Garay," which will start this afternoon. Two companies with the rest of the artillery, part of the engineers and the battery, which the "Isabel la Católica" embarked, will remain in Samaná, for which point the latter ship will sail to-morrow morning early; and the troops of Puerto Rico will remain at St. Domingo for the present, as also those transported by the steamer "Velasco," and part of the engineers, who will come from Samaná; the arrival of the "Pajaro del Oceano" a few hours after me having been a fortunate coincidence, so that measures could be taken to go on working without relaxation at the disembarkation of the staff and all the material which she conveyed.

Nothing took place to retard these operations, which, up to a certain point, Providence seems to have made easy, in order that this valuable portion of the Antilles be once more incorporated with the mother country, nor were there wanting casual events, as the discovery of a portrait of Columbus, painted in fresco, on knocking down a partition wall in order to increase the space for lodging the troops; this event was favourably commented upon by the public.

So also the delay of the frigate "Blanca" in arriving at Samaná was fortunate for me, and my meeting her at the mouth of the bay of the same name, since it hastened my arrival at Santo Domingo, where I learnt sooner the news which I was to find there.

In such a state of things I do not consider the services of the frigate "Berenguela" and the steamer "Velasco" necessary here, which may be more useful at the arsenal; for this reason I have given orders that the former start for Santiago de Cuba and take in coal, in order to continue her passage to the Havana, and that the "Velasco" go straight to the same place with the object also that your Excellency may obtain the news before the 16th, on which day the mail starts for the Peninsula.

The pressure of time and the occupations of the moment prevent my giving your Excellency more details at present, and I will only add that, seconding your views, I flatter myself, or at least confidently expect, that the important matter entrusted to my care will produce the desired result.

I expect every moment the steamer "Cardenas" with the battery of mountain artillery; and this steamer, which can enter the river, will be very useful to me whilst I cannot dispose of the "Don Juan del Austria," of whose arrival at Samaná I am not yet acquainted, attributing the delay to the same causes as retarded the course of the frigate "Blanca."

At the moment of closing this letter the steamer "Cardenas" is coming into the harbour without bringing any news, having on board the battery of mountain artillery.

God preserve, &c.

*Roadstead of Santo Domingo, April* 8, 1861.

(Signed) JOAQUIM GUTIERREZ DE RUBALCABA.

To his Excellency the Captain-General of the Island of Cuba.

*Copy No.* 2.

*Staff of the Captain-General of the always faithful Island of Cuba.*
*Expeditionary Brigade of Santo Domingo.*

Excellent Sir,

At half-past 3 in the afternoon of yesterday the squadron cast anchor in this port without incident, the health of the soldiers being satisfactory notwithstanding the unavoidable crowding in some of Her Majesty's ships which conveyed them.

We arrived opposite the Bay of Samaná at almost the same moment as the frigate of war "Blanca" which conveyed the companies of engineers, artillery and other war material; the strong winds prevalent, which also somewhat retarded our course, being the cause of this delay. The "Blanca" and the schooner which had on board hospital material and other things entered the extensive Bay of Samaná whilst the squadron continued its course.

As soon as the last had anchored in the roadstead of Santo Domingo, I was informed that the battalion of Chasseurs of Puerto Rico had arrived the previous day, and had immediately garrisoned the place by order of General Pedro Santana; owing to which news and the previous compliance of his Excellency the Commander-General of the anchorage, I disembarked in order to acquire information, and acquaint your Excellency, which I effected.

General Santana, the Commander of the steamer "Pizarro," Her Majesty's Vice-Consul, and other data I acquired, brought the conviction to my mind that the solemn act of this country's returning to the bosom of the mother country was not only a free and absolutely spontaneous one, but also devoid of all opposition, and the sole product of a refined loyalty, purified by the bitter disillusions of forty consecutive years of wars and revolutions.

This persuasion, the circumstance of the place being already garrisoned by Spanish soldiers, and the repeated petitions of General Santana and all the persons of influence in the place, decided his Excellency the Naval Commandant-General, to order the immediate disembarkation of the Battalion of Isabel II, and part of the coloured Militia, which took place, his Excellency himself landing and receiving the protests of adhesion of the superior employés of the Administration of this country in particular, and of the town in general.

It was not possible for this town, almost totally destroyed and deficient in resources, to offer abundance to the troops about to lodge in it, but the goodwill of the authorities and the consent of the neighbourhood partly overcame the difficulties that presented themselves, and at this moment the Battalions of Chasseurs of Isabel II and Puerto Rico have lodging in three convents and one private house, the best that could be found, although not so comfortable as I propose shortly to give them.

As well the want of space for quarters as the expediency of occupying certain important points in the island, and thereby seconding the repeated propositions of General Santana, have caused me irrevocably to determine, with the complete acquiescence of his Excellency the Naval Commandant-General, that the 1st Battalion of the Corona shall be divided in the following manner:

Two companies to go to Samaná, so important a point speaking militarily and commercially as your Excellency knows; two more to Puerto Plata with forty artillerymen and the captain of that corps; four companies, the staff (Plana Mayor), and band of the battalion to Santiago de los Caballeros, a large town close to the Haitian frontier.

I have also ordered that 10,000 cartridges be taken to Samaná, the same number to Puerto Plata, and 20,000 to Santiago de los Caballeros.

I have likewise resolved that the captain of Engineers and half the company of that corps remain at the first of those places, the other half coming to Santo Domingo to attend to the numerous repairs required in the State buildings in which the troops are quartered.

I forgot to tell your Excellency that when the squadron cast anchor at Santo Domingo, the steamer "Pajaro del Oceano" also arrived.

The re-provisioning of the corps has given me some difficulty, which I hope to overcome without touching the store of provisions.

All which I have the honour to relate respectfully to your Excellency, hoping that what I have ordered deserves your superior approval.

God preserve, &c.

*Santo Domingo, April* 8, 1861.

(Signed) ANTONIO PELAEZ.

To his Excellency the Captain-General of the Army
and of the Island of Cuba.

*Copy No.* 3.

*Staff of the Captain-General of the always faithful Island of Cuba. Corps of Etat-Major of the Army of the Island of Cuba.*

Excellent Sir,

On the 30th of the month of March last, at 12 o'clock in the morning, I arrived at the port of Santo Domingo, on board Her Majesty's steamer "Blasco de Garay," and I immediately went to have an interview with his Excellency General Don Pedro Santana, to whom I delivered the despatches of which I was bearer, making also the verbal remarks which your Excellency ordered me on my leaving the capital.

The Spanish flag was already waving when I arrived at Santo Domingo, where the annexation to the Spanish Monarchy had been proclaimed on the 18th of the above-mentioned month. Immediately, and with reference to your Excellency's superior instructions, I endeavoured to acquaint myself, in every possible mode, of the form in which that movement had taken place, endeavouring to form an exact idea of the spirit prevailing at the time in the majority of the Dominican people. In order to acquire these data, to which, in obedience to your Excellency's special recommendations, I was to pay so much attention, I did not limit myself to conferences with the ex-Ministers and other authorities, and higher employés of the capital, but I questioned Her Majesty's Vice-Consul and some of our fellow-countrymen residing in the Republic.

From the information that I acquired in this way, and from what I was able to learn in my private conversations with various persons of the country of different rank and position, with whom I placed myself in contact, and by the indisputable proofs which presented themselves to my sight, I was able to convince myself that the Proclamation of the Queen of Spain, effected in the Spanish part of the Island of Santo Domingo, has been a spontaneous act, brought about with the most decided enthusiasm, and at the same time with the most wonderful order; that love for our country and our Queen, and the desire to form once more part of the Spanish Monarchy, is a sentiment with which the immense majority of Dominicans are animated.

General Santana informed me that he had sent two schooners of war to the Islands of Cuba and Puerto Rico, informing the respective superior authorities of the above-mentioned event, and soliciting from both the sending of

troops. He also pointed out to me with what impatience he was waiting for the arrival of our soldiers on account of the enthusiasm their presence would produce in the towns, whose inhabitants would perceive with extraordinary delight that our Government admitted immediately their incorporation to the Monarchy, and that the Spanish nation did not disdain to accept the children of Santo Domingo as their brothers. His Excellency pointed out to me the acts of the Proclamation effected with equal enthusiasm in the five Provinces of the Republic, it being very remarkable that in some of them that act took place a day earlier than in the capital; and finally, he assured me that, in perfecting the work of the annexation, he had done nothing more than fulfil the desires of all the Dominicans, whose most fervent wish was to return to the bosom of their true and unique fatherland, and become subjects of the best of Queens.

In view of what I have said, and thinking to act in accordance with your Excellency's instructions, I did not hesitate to continue the performance of the commission which your Excellency had been good enough to entrust to me, and in complete agreement with the Commandant of the "Blasco," who formed the same idea as I had done of the events related, and acquired similar conviction respecting the spontaneousness of the movement effected, I began my journey to this island at 5 o'clock in the afternoon of the same day as my arrival.

Yesterday, the 1st of April, I arrived with the "Blasco" at this place, and proceeded immediately to present myself to his Excellency the Captain-General of the island. His Excellency was at Mayaguez, and in his absence I pointed out to his Excellency the Second Commander, temporarily in charge of the command, the object of my arrival and the importance of his Excellency the Captain-General receiving the letters which I was bringing for him from your Excellency. The General, second in command, told me had received no instructions on the subject, and could not in the meantime adopt any resolution; he also pointed out to me confidentially that notwithstanding the information received by means of the Dominican schooner, communicated by the President of the Senate of that Republic who arrived on board of her, the Captain-General had not thought it expedient to order the departure of the troops asked for by the said gentleman, without having information from your Excellency for that purpose; but that he would immediately order the departure of an extraordinary courier for Mayaguez. In fact, at 1 o'clock in the afternoon, a special courier started for the said place with the despatches of which I was the bearer, and with a communication from his Excellency the General second in command to his Excellency the Captain-General, relating the result of my observations in Santo Domingo, in order that in consequence of them, and of your Excellency's communications, he might order what he thought expedient. The courier must have arrived at Mayaguez this morning early, it being probable that we receive to-night his Excellency's answer.

In the mean time the "Blasco de Garay" is taking in coal with all her crew, and notwithstanding the length and the difficulty of this operation, I think she will be ready to put out to sea to-morrow, thanks to the activity of her zealous Commander.

All which I make haste to bring to the superior knowledge of your Excellency in fulfilment of my duty, which will not prevent my informing you at the last hour of what may take place between this moment and that of my departure.

God preserve, &c.

*Puerto Rico, April* 2, 1861.

(Signed) RAMON BLANCO.

To his Excellency the Governor Captain-General
of the Island of Cuba.

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No. 13.

*Lord J. Russell to Mr. Edwardes.*

Sir, *Foreign Office, May* 17, 1861.

I TRANSMIT to you herewith a copy of a despatch which I have received from Mr. Hood, Her Majesty's Consul at Santo Domingo,* respecting the effect

* No. 10.

of the annexation of the Dominican Republic to Spain upon the position of the slaves who have fled from Cuba and Porto Rico to Santo Domingo, and also of those slaves who gained their freedom when the Spanish part of the Island declared itself independent in 1821.

You will perceive that in a conversation which Mr. Hood had with Señor Cruzat, the Diplomatic Secretary of Rear-Admiral Rubalcava, the Commander-in-Chief of the Spanish Expedition to San Domingo, Señor Cruzat, in reply to a question put to him by Mr. Hood, stated that the former Spanish owners would have a perfect right to claim their fugitive slaves, and that the Spanish Government could not refuse to deliver them up.

Her Majesty's Government cannot for a moment believe that the Government of Spain would give their sanction to so cruel a measure as the restoration to slavery of a number of persons who are in the actual enjoyment of freedom; but in order that no doubt may remain on a subject of such importance, I have to instruct you to inquire of the Spanish Government whether all persons residing in the territory of the Dominican Republic at the time of its annexation to Spain, will be secured by law in the possession of the freedom which they actually enjoy, whether they were formerly slaves or were born free men.

I am, &c.
(Signed) J. RUSSELL.

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No. 14.

*Mr. Edwardes to Lord J. Russell.—(Received May 25.)*

My Lord, *Madrid, May 20, 1861.*

I HAVE the honour to transmit, in original and translation, an extract from this day's official Gazette, containing a Royal Decree for the reincorporation of Santo Domingo into the Spanish dominions.

This decree is preceded by the letter from General Santana to Her Catholic Majesty, which I had the honour to mention to your Lordship in a previous despatch, as well as by an address from the Council of Ministers to the Queen, in which they engage themselves not to re-establish slavery, but make no allusion to the other conditions upon which the annexation was offered.

I have, &c.
(Signed) R. EDWARDES.

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Inclosure in No. 14.

*Extract from the "Madrid Gazette" of May 20, 1861.*

EL General Don Pedro Santana, Presidente que ha sido de la República de Santo Domingo, remitó al Gobernador Capitan-General de la Isla de Cuba, para que la pasase á manos de Su Magestad la Reina, la carta que á continuacion se inserta. Su Magestad la Reina se ha enterado de su contenido con la más viva satisfaccion.

*Carta que se cita.*

"Señora,

"El pueblo que con el immortal Colon levantó en la Española el estandarte de Castilla; el que más tarde reconquistó su antigua nacionalidad y devolvió á la Corona de España la perla de que le habia privado el Tratado de Basilea; el que despues fué arrancado, á su pesar, de los brazos de la patria, que siempre habia mirado como madre amorosa, para ser entregado á un yugo opresor que tomó á empeño destruirlo; el que con heróico valor sacudió ese yugo, y reconquistó su libertad é independencia; el que, en fin, os debió un lugar entre las naciones como Poder soberano, viene hoy, Señora, á depositar en vuestras manos esa soberanía y á refundir en las libertades de vuestro pueblo las suyas propias.

"El pueblo Dominicano, Señora, dando suelta á los sentimientos de amor

y lealtad, tanto tiempo há comprimidos, os ha proclamado, unánime y espontáneamente, por su Reina y Soberana; y el que hoy tiene la insigne é inmerecida honra de ser el órgano de tan sinceros sentimientos, pone á vuestros piés las llaves de esta preciosa Antilla.

"Recibidlas, Señora; haced la felicidad de ese pueblo que tanto lo merece; obligadle á seguir bendiciéndoos como lo hace, y llenareis la única ambicion del que es, Señora, de vuestra Magestad el más leal y amante de vuestros súbditos,

(Firmado) "PEDRO SANTANA.

"*Santo Domingo, Marzo* 18 *de* 1861."

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*Exposicion á Su Magestad.*

Señora,

Un acontecimiento fausto, altamente honroso para España, y pocas veces visto en la historia de los pueblos, ha ocurrido recientemente en una de las antiguas posesiones de la Monarquía.

La isla Española, la primera que ocupó el gran Colon, la predilecta de la inmortal Reina á cuya inspiracion sublime se debió el descubrimiento de un Nuevo Mundo, dueña de su independencia, árbitra de sus destinos, invoca el nombre augusto de España, y pone á vuestros reales piés la misma soberanía que vuestra Magestad la reconoció hace pocos años.

Víctima de la traicion, engañada, sorprendida, rompió los vínculos que la unían á la nacion Española, á cuya sábia legislacion debia la venturosa existencia que gozaba.

Desde entónces, Señora, las guerras, las revoluciones, las tremendas catástrofes que llevan consigo y que ahogan en su orígen todos los gérmenes de vitalidad y de fuerza, habian reducido aquel pueblo generoso á una situacion insoportable.

Cegadas las fuentes de la prosperidad pública, privado de los recursos necesarios para subsistir desembarazadamente, blanco de ambiciones extrañas, teatro de reprobadas intrigas, su independencia ha sido cási siempre despues de su separacion de la Metrópoli una sumision positiva, su libertad una servidumbre dolorosa.

Porque no existe independencia donde no hay fuerza para sostenerla; no hay libertad en los pueblos modernos donde falta la seguridad, y la sociedad está condenada á perpétuas agitaciones.

Por eso en los dias de conflicto el pueblo Dominicano imploró el amparo de España. Descendientes de esta nacion heróica los hijos de aquel fecundo suelo, animados de sus sentimientos y de su espíritu, hablando el mismo idioma, rindiendo culto á Dios ante unos mismos altares, solo amaban á España, solo de ella podian esperar y querian recibir la paz, el bienestar que vanamente habian buscado algunos en una imaginaria y combatida independencia.

La España no habia contemplado con impasibilidad la suerte del pueblo Dominicano. Sentia sus males, y deseaba aliviarlos; pero debia precaverse contra toda acusacion apasionada é injusta.

Libre de las pasadas discordias, cuyas huellas ha borrado la clemencia de vuestra Magestad; floreciendo á la sombra de vuestro sólio y de las instituciones que la rigen, España hubiera podido acoger hace mucho tiempo los votos del pueblo Dominicano, y establecer en él un protectorado primero, su autoridad despues.

Sin embargo, áun á riesgo de aparecer sorda á los clamores de un pueblo hermano, guardó constantemente reserva, y no alimentó jamás su esperanza de reincorporacion á la Monarquía.

Los males del pueblo Dominicano crecieron entre tanto; y amenzado cada dia de nuevos peligros, guiado por sus propias inspiraciones, proclamó su Soberana á la augusta Reina de las Españas.

Vuestra Magestad se conmovió profundamente al oir el grito de un pueblo que la aclamaba con el más vivo entusiasmo, invocando al mismo tiempo vínculos caros, gloriosos é inextinguibles recuerdos.

Vuestra Magestad, siempre generosa, hubiera querido acogerle desde luego bajo el amparo de su Trono; pero la razon de Estado se sobrepuso en su elevado espíritu á los más nobles sentimientos.

Quisó vuestra Magestad adquirir la seguridad absoluta de que los votos del pueblo Dominicano habian sido espontáneos, libres, unánimes. La obra de un partido no podia ser acepta á los ojos de vuestra Magestad. La intriga y la violencia repugnan invenciblemente á su corazon magnánimo.

La España es grande, y no há menester de nuevas adquisiciones para ocupar un lugar distinguido entre los primeros pueblos del mundo. Pero si aspirase á mayor engrandecimiento, nunca procuraria obtenerlo por medios que la moral y la sana política condenasen, porque nada sólido y duradero puede fundarse como no descanse sobre las bases del derecho y de la justicia.

Las actas de la proclamacion de vuestra Magestad en todos los pueblos del territorio Dominicano prueban la espontaneidad y la unanimidad con que han procedido. En ninguna parte se ha causado una desgracia ni se ha hecho derramar una lágrima.

En todas se han manifestado el júbilo y el entusiasmo de una manera inequívoca y solemne. Los poderes públicos, siguiendo sus propios impulsos, han obedecido el sentimiento del país que habia depositado en ellos su confianza.

Rara vez se ha visto tal concurso, tal unanimidad de voluntades para realizar una idea, un pensamiento comun.

Y todo esto, Señora, sin que hubiera en las costas de Santo Domingo un solo buque, ni en su territorio un soldado Español.

Si acudieron fuerzas de mar y tierra para proteger al pueblo que proclamaba la soberanía de vuestra Magestad, fué despues de diez y ocho dias, cuando ya el General Don Pedro Santana gobernaba la Isla Española con universal aplauso en nombre de vuestra Magestad.

Cualquiera poder exterior que hubiese opuesto obstáculos al cumplimiento de los votos del pueblo Dominicano, ejerciendo una odiosa tiranía, hubiera ofendido la dignidad de España, que no habria podido sin deshonor abandonarle á los embates de ambiciones extranjeras.

El pabellon de España flotaba ya bajo el cielo adonde le condujo el inmortal Colon con la luz del Evangelio, con la civilizacion más perfecta que en aquella gloriosa época poseia pueblo alguno del mundo.

Las fuerzas de mar y tierra de vuestra Magestad debian defenderle contra todo ultraje, y proteger al mismo tiempo la independencia del pueblo Dominicano y la integridad de su territorio.

No tomaron posesion de este en nombre de vuestra Magestad. Ese acto, ejecutado sin autorizacion ni conocimiento de vuestro Gobierno, hubiera empañado la fama de que gozan por su disciplina, por su valor y lealtad.

Pero si entónces se limitaron á llenar la mision que les confió el digno Capitan-General de la Habana; si el pueblo Dominicano ha permanecido tranquilo esperando la resolucion de vuestra Magestad, tiempo es ya de que cese la incertidumbre y se fijen sus definitivos destinos.

La tardanza en la adopcion de una medida, despues de reunidos todos los datos en que ha de fundarse, pudiera atribuirse á debilidad ó á temor, y no caben estos sentimientos en el Gobierno de un gran pueblo, cuando se ventilan cuestiones para cuya decision se ha de escuchar la voz de la honra más que los consejos frios del interés y de la conveniencia.

Volver el rostro á un pueblo desgraciado, exponerle á ser presa de ambiciones extranjeras, desoir el grito de union que lanza invocando el nombre augusto de vuestra Magestad, y las señaladas pruebas que ha dado siempre de su nunca extinguido amor á España, seria romper con las gloriosas tradiciones de nuestra historia, y desmentir nuestra constante y aplaudida hidalguía.

No, Señora, no es posible desechar los votos de un pueblo que quiere volver al seno de la madre pátria despues de una larga y dolorosa separacion. Cualesquiera que sean los deberes, los compromisos que pueda ocasionar la reincorporacion de Santo Domingo á la Monarquía, vuestra Magestad, su Gobierno, España toda no vacilarán en aceptarlos.

Procediendo así no se lastimará derecho alguno de particular ni de pueblo. Santo Domingo no estaba ligado por obligacion, por pacto, por estipulacion de ningun género que le embarazasen en el libre ejercicio de su independencia. Los únicos vínculos que habia conservado eran los de su primitiva nacionalidad, á la cual ha tributado un culto inalterable.

Por dicha nada hay que cambiar en su estado social. Sus habitantes son libres. La esclavitud, necesidad de otras comarcas, no es precisa para el

cultivo de aquel fértil suelo, y el Gobierno de vuestra Magestad no la restablecerá.

Los Dominicanos, dóciles á la voz de la autoridad, aceptarán con gusto la organizacion administrativa que el Gobierno de vuestra Magestad crea conveniente establecer para promover su bienestar.

Todos gozarán igualmente de la benéfica proteccion de vuestra Magestad. Ante el Trono augusto que vuestra Magestad con tanta gloria ocupa desaparecen las clases, los odios producidos por funestas discordias, los partidos que las han alimentado con su implacable rencor, y no hay más que hijos de una madre ansiosa de su concordia y felicidad.

Vuestra Magestad que se afana por asegurarlas en su pueblo, y que tanto ha contribuido á su gloriosa regeneracion, mirará á Santo Domingo con el mismo interés y solicitud que la inspiran las demás provincias de la Monarquía.

Dios, que en épocas de eterna memoria enalteció la Monarquía, y que ha conservado puro su nombre en medio de largas y terribles pruebas, ha permitido que se recobre de sus pasados quebrantos, y que pueda abrazar á un pueblo separado de su seno en dias de perturbacion y debilidad que no volverán jamás.

Fundado en estas consideraciones, vuestro Consejo de Ministros tiene la honra de someter á la soberana aprobacion de vuestra Magestad el siguiente proyecto de Decreto.

*Aranjuez*, 19 *de Mayo de* 1861.

Señora, á los Reales piés de vuestra Magestad,

(Signed) LEOPOLDO O'DONNELL.
SATURNINO CALDERON COLLANTES.
SANTIAGO FERNANDEZ NEGRETE.
PEDRO SALAVERRIA.
JUAN DE ZAVALA
JOSE DE POSADA HERRERA.
RAFAEL DE BUSTOS Y CASTILLA.

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*Real Decreto.*

En consideracion á las razones que me ha expuesto mi Consejo de Ministros, acogiendo con toda la efusion de mi alma los votos del pueblo Dominicano, de cuya adhesion y lealtad he recibido tantas pruebas;

Vengo en decretar lo siguiente:

Articulo 1. El territorio que constituia la República Dominicana queda reincorporado á la Monarquía.

Art. 2. El Capitan-General Gobernador de la Isla de Cuba, conforme á las instrucciones de mi Gobierno, dictará las disposiciones oportunas para la ejecucion de este Decreto.

Art. 3. Mi Gobierno dará cuenta á las Córtes del presente Decreto y de las medidas adoptadas para su cumplimiento.

Dado en Aranjuez, á diez y nueve de Mayo, de mil ochocientos sesenta y uno.

(Esta rubricado de la Real mano.)

El Presidente del Consejo de Ministros,

(Firmado) LEOPOLDO O'DONNELL.

(Translation.)

GENERAL DON PEDRO SANTANA, late President of the Republic of Santo Domingo, forwarded to the Governor and Captain-General of the Island of Cuba, for transmission to Her Majesty the Queen, the letter which is inserted below. Her Majesty the Queen has made herself acquainted with its contents with the liveliest satisfaction.

*Letter referred to.*

"Madam,

"The people who, together with the immortal Columbus, raised the standard of Castille in Hispaniola; who subsequently reconquered their former nationality, and restored to the Crown of Spain the pearl of which it had been deprived by the Treaty of Bâle; who were afterwards torn, against their will, from the arms of that country which they had always regarded as a loving mother, and given up to the yoke of an oppressor who made it his task to destroy them; who with

heroic valour shook off that yoke, and recovered their liberty and independence; who, lastly, owed to your Majesty a place among the nations as a Sovereign Power—come now, Madam, to deposit in your hands that sovereignty, and to merge once more their own liberty in that of your people.

"The Dominican people, Madam, giving a free course to those sentiments of affection and loyalty which have been so long repressed, have unanimously and spontaneously proclaimed you as their Queen and Sovereign; and I, who have now the exalted and undeserved honour of being the organ of those sincere sentiments, lay at your Majesty's feet the keys of this lovely island.

"Accept them, Madam; achieve the happiness of this people, who so well deserve it; cause them to continue blessing you as they do now, and you will accomplish the only ambition of, Madam, your Majesty's most loyal and loving subject,

(Signed) "PEDRO SANTANA.

"*Santo Domingo, March* 18, 1861."

*Address to Her Majesty.*

Madam,

AN event of happy augury, highly honourable to Spain, and seldom witnessed in the history of nations, has recently occurred in one of the ancient possessions of the Monarchy.

The Island of Hispaniola, the first which was occupied by the great Columbus, the object of predilection to the immortal Queen to whose sublime inspiration the discovery of a New World is due, mistress of its independence and arbitress of its destinies, invokes the august name of Spain, and lays at your Royal feet that very sovereignty which you recognized a few years ago.

The victim of treason, deceived, surprised, it had broken the bonds which united it to the Spanish nation, to whose wise legislation it owed the prosperous existence it enjoyed.

Since then, Madam, wars, revolutions, and the tremendous catastrophes which stifle at their birth all the germs of vitality and force, had reduced this noble people to an intolerable position.

With the fountains of public prosperity sealed up, deprived of the resources necessary for an unembarrassed existence, the mark of foreign ambition, the theatre of reprehensible intrigues, their independence, since their separation from the metropolis, has been almost continuously a practical subjection, their liberty a painful slavery.

For independence does not exist where there is no force to maintain it, and there is no liberty among modern nations where security is wanting, and where society is condemned to perpetual agitation.

On this account, in the hour of conflict, the Dominican people implored the protection of Spain. The sons of that fertile soil, descended from this heroic nation, animated with its sentiments and its spirit, speaking the same language, worshipping God at the same altars, loved Spain alone, and at her hands alone could they expect and did they wish to receive the peace and prosperity which some had vainly sought from an imaginary and disputed independence.

Spain had not regarded with indifference the lot of the Dominican people. She regretted their misfortunes, and desired to alleviate them, but she was obliged to guard herself against any passionate and unjust accusations.

Spain, freed from her former feuds, the traces of which have been effaced by your Majesty's clemency, and flourishing under the shelter of your Throne and of the institutions by which she is governed, could long ago have acceded to the wishes of the Dominican people, and have established among them, first a Protectorate, and afterwards her authority.

Nevertheless, even at the risk of appearing deaf to the cries of a kindred people, she maintained a constant reserve, and never encouraged their hope of being re-incorporated with the Monarchy.

The misfortunes of the Dominican people, meanwhile, went on increasing, and, menaced daily with new dangers, under the guidance of their own inspiration, the Dominicans proclaimed the august Queen of Spain their Sovereign.

Your Majesty was profoundly affected at hearing the cry of a people who saluted your name with the most intense enthusiasm, while invoking at the same time dear ties (of relationship) and glorious and ineffaceable memories.

Your Majesty, ever generous, would have preferred to take them at once under the shelter of your Throne, but in your exalted mind reasons of State outweighed even the most noble of sentiments.

Your Majesty desired to acquire the absolute certainty that the vote of the Dominican people had been spontaneous, free, and unanimous. The work of a single party could not be acceptable in the eyes of your Majesty. Intrigue and violence are invincibly repugnant to your magnanimous heart.

Spain is great, and has no need of fresh acquisitions to occupy a distinguished position among the first nations of the world. But did she aspire to further aggrandizement she would never endeavour to obtain it by means which morality and sound policy condemn, because nothing solid and durable can be established which does not rest on the bases of right and justice.

The records of the Proclamation of your Majesty in all the towns of the Dominican territory prove the spontaneousness and unanimity with which it was effected. Nowhere has an accident occurred, or a tear been made to flow.

Everywhere joy and enthusiasm have been displayed in an unequivocal and solemn manner. The public functionaries, in carrying into effect their own impulses, have obeyed the sentiments of the country which had reposed its confidence in them.

Seldom has such a combination, such a unanimity of will, been witnessed, for the purpose of realizing one common idea, one common thought.

And this, Madam, without there being on the coast of Santo Domingo a single Spanish vessel, or on its territory a single Spanish soldier.

If land and sea forces arrived to protect the people who were proclaiming your Majesty's sovereignty, it was not till eighteen days afterwards, when Don Pedro Santana was (already) governing the Island of Hispaniola, amidst universal applause, in your Majesty's name.

Any foreign Power which, in the exercise of an odious tyranny, should have opposed obstacles to the accomplishment of the wishes of the Dominican people, would have offended the dignity of Spain, which could not, without dishonour, have abandoned them to the attacks of foreign ambition.

The flag of Spain was already floating over the land to which the immortal Columbus carried it, together with the light of the gospel, and with the most perfect civilisation possessed at that glorious epoch by any nation in the world.

Your Majesty's land and sea forces were there to defend that flag against every outrage, and to protect at the same time the independence of the Dominican people and the integrity of their territory.

They did not take possession of that territory in your Majesty's name. Such an act, executed without the authorisation or knowledge of your Government, would have tarnished the reputation which they enjoy for discipline, for valour, and for loyalty. But though they then confined themselves to discharging the mission which had been entrusted to them by the worthy Captain-General of the Havana, though the Dominican people have remained tranquilly awaiting your Majesty's decision, it is now time that their uncertainty should cease, and that their definitive destiny should be settled.

Delay in the adoption of a measure, after all the data on which it is to be founded have been collected, might be attributed to weakness or fear, and such sentiments have no place in the minds of the Government of a great people, when questions are at issue for the decision of which the voice of honour is to be listened to, rather than the cold counsels of interest or expediency.

To turn our backs on a people in misfortune, to expose them to fall a prey to foreign ambition, to shut our ears to the cry for union which they utter, as they invoke your Majesty's august name, and to ignore the convincing proofs which they have ever given of their unextinguishable affection for Spain, would be to break with the glorious traditions of our history, and to belie our constant and famous nobility of sentiment.

No, Madam, it is not possible to disappoint the wishes of a people who desire to return into the bosom of the mother-country after a long and painful separation. Whatever duties or difficulties the re-incorporation of St. Domingo with the Monarchy may involve, your Majesty, your Government, the whole of Spain will not hesitate to accept them.

In proceeding thus, no right whatever, whether of private persons or of nations, will be injured. Santo Domingo was bound by no obligation, compact, or stipulation of any kind which could fetter her in the free exercise of her

independence. The only ties she had retained were those of her original nationality, for which she has preserved an unalterable attachment.

Fortunately there is nothing to change in her social state. Her inhabitants are free. Slavery, which is a necessity in other provinces, is not requisite for the cultivation of that fertile soil, and your Majesty's Government will not re-establish it.

The Dominicans, who are submissive to the voice of authority, will accept with pleasure the administrative organization which your Majesty's Government may consider it expedient to establish for the promotion of their welfare.

All will enjoy equally your Majesty's beneficent protection. Before the throne so gloriously occupied by your Majesty, class interests, the hatreds produced by unhappy discords, the parties which have fomented those discords by their implacable rancour, all disappear, and there remain only the sons of one mother anxious to promote their harmony and happiness. Your Majesty, who is indefatigable in assuring these blessings to your people, and who has contributed so much to their glorious regeneration, will regard Santo Domingo with the same interest and solicitude with which the other provinces of the Monarchy inspire you.

God, who during a period, the memory of which is imperishable, exalted the Monarchy, and who has preserved the purity of its reputation in the midst of long and terrible trials, has permitted it to recover from its past weakness, and to be able to embrace a people who were separated from its bosom in days of perturbation and debility, which will never return.

Founded on these considerations, your Council of Ministers has the honour to submit to your Majesty's sovereign approbation the following project of Decree.

*Aranjuez, May* 19, 1861.

Madam, at your Majesty's Royal feet,

(Signed) LEOPOLDO O'DONNELL.
SATURNINO CALDERON COLLANTES.
SANTIAGO FERNANDEZ NEGRETE.
PEDRO SALAVERRIA.
JUAN DE ZAVALA.
JOSE DE POSADA HERRERA.
RAFAEL DE BUSTOS Y CASTILLA.

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*Royal Decree.*

In consideration of the reasons which have been laid before me by my Council of Ministers, and acceding with the most heartfelt pleasure to the wishes of the Dominican people, of whose affection and loyalty I have received so many proofs, I hereby decree as follows :—

Article 1. The territory which constituted the Dominican Republic is reincorporated with the Monarchy.

Art. 2. The Captain-General, Governor of the Island of Cuba, shall prescribe, in conformity with the instructions of my Government, the requisite measures for the carrying out of this Decree.

Art. 3. My Government shall give account to the Cortes of the present Decree, and of the measures adopted for its fulfilment.

Given at Aranjuez, the 19th of May, 1861.

(Signed by the Royal hand.)

(Countersigned) LEOPOLDO O'DONNELL,
*President of the Council of Ministers.*

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No. 15.

*Mr. Edwardes to Lord J. Russell.*—(*Received May* 28.)

My Lord, *Madrid, May* 22, 1861.

THIS morning I spoke to Marshal O'Donnell upon the contents of your Lordship's despatch of the 17th instant, inclosing one from Mr. Hood, Her Majesty's Consul at Santo Domingo, and I asked his Excellency what

would be the effect of the annexation of that Republic upon the position of slaves who have fled from Cuba and Porto Rico, and also of those slaves who gained their freedom when the Spanish part of the island declared itself independent in 1821.

His Excellency smiled at the fears entertained upon the subject by Her Majesty's Consul at Santo Domingo, and said that Her Majesty's Government might rest perfectly assured that the freedom of the persons in question would in nowise be interfered with, and that now and henceforward slaves, under whatever denomination they arrived at Santo Domingo, whether with or without their owners, would be entitled to their freedom, as much as if they landed on any part of the Peninsula of Spain.

Although I could never doubt but that such was the case, I was very glad to receive this assurance from Marshal O'Donnell. I shall, nevertheless, endeavour to obtain the same in writing from the Foreign Department.

I have, &c.
(Signed) R. EDWARDES.

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No. 16.

*Lord J. Russell to Mr. Edwardes.*

Sir, *Foreign Office, May* 29, 1861.

I HAVE received and laid before the Queen your despatch of the 20th instant, containing the Royal Decree relating to the acceptance of the reunion of Santo Domingo to the Spanish Crown.

Her Majesty's Government, with every desire to see Spain powerful and prosperous, could not be indifferent to the apprehension naturally felt that the slavery institutions of Cuba and Puerto Rico might be extended to San Domingo. It is, therefore, with great satisfaction that Her Majesty's Government have read, in the reasons for the Decree of reunion, the words—"Slavery, which is a necessity in other Provinces, is not requisite for the cultivation of that fertile soil, and your Majesty's Government will not re-establish it."

Her Majesty's Government rely on the force of those clear and plain terms as a pledge that slavery will never be introduced into San Domingo.

But in order to give full security to the black inhabitants of San Domingo, it will, in the opinion of Her Majesty's Government, be necessary that by some law of the Cortes, or by a Royal Decree, the old and the young who have escaped from slavery in Cuba or Puerto Rico perhaps twenty, perhaps two years ago, should be secured against legal claims of their former masters, which might separate them from their families, destroy their acquired property, and reduce them again to a state of slavery.

You will read this despatch to Señor Collantes, and give him a copy of it.

I am, &c.
(Signed) J. RUSSELL.

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No. 17.

*Mr. Edwardes to Lord J. Russell.—(Received June* 1.)

My Lord, *Madrid, May* 27, 1861.

WITH reference to your Lordship's despatch of the 17th instant, I have the honour to transmit the copy of a letter which I have addressed to M. Calderon Collantes, respecting the effect of the annexation of the Dominican Republic to Spain, upon the position of slaves who have fled from Cuba and Puerto Rico to Santo Domingo, and also of those slaves who gained their freedom when the Spanish part of the island declared itself independent in 1821.

I have, &c.
(Signed) R. EDWARDES.

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Inclosure in No. 17.

*Mr. Edwardes to Señor Collantes.*

M. le Ministre, *Madrid, May* 23, 1861.

I HAVE the honour to inform your Excellency that Lord John Russell, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, has received a despatch from Her Majesty's Consul at Santo Domingo, respecting the effect of the annexation of the Dominican Republic to Spain, upon the position of slaves who have fled from Cuba and Puerto Rico to Santo Domingo, and also of those slaves who gained their freedom when the Spanish part of the island declared itself independent in 1821.

It appears that in a conversation which Mr. Hood had with Señor Cruzat, the Diplomatic Secretary of Rear-Admiral Rubalcava, the Commander-in-chief of the Spanish expedition to Santo Domingo, Señor Cruzat, in reply to a question put to him by Mr. Hood, stated that the former Spanish owners would have a perfect right to claim their fugitive slaves, and that the Spanish Government could not refuse to deliver them up.

Her Majesty's Government is fully convinced that the Government of Spain is far too generous to give their sanction to so cruel a measure as the restoration to slavery of a number of persons who are in the actual enjoyment of freedom; but in order that no doubt may remain on a subject of such importance, I have been instructed by Lord John Russell to inquire of the Spanish Government whether all persons residing in the territory of the Dominican Republic at the time of its annexation to Spain will be secured by law in the possession of the freedom which they actually enjoy, whether they were formerly slaves, or were born free men.

I avail, &c.
(Signed) R. EDWARDES.

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No. 18.

*Lord J. Russell to Mr. Edwardes.*

Sir, *Foreign Office, June* 1, 1861.

I APPROVE of the note which you addressed to M. Calderon Collantes, and of which a copy is inclosed in your despatch of the 27th ultimo, respecting the condition of fugitive and emancipated slaves in Santo Domingo.

I am, &c.
(Signed) J. RUSSELL.

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No. 19.

*Mr. Edwardes to Lord J. Russell.*—(*Received June* 8.)

My Lord, *Madrid, June* 3, 1861.

WITH reference to my despatch of the 27th ultimo, I have the honour to transmit the copy and translation of a note which I have received from Señor Calderon Collantes, respecting the effect of the annexation of the Dominican Republic to Spain upon the position of slaves who have fled from Cuba and Puerto Rico to Santo Domingo, and also of those slaves who gained their freedom when the Spanish part of the island declared itself independent, in 1821.

I have, &c.
(Signed) R. EDWARDES

Inclosure in No. 19.

*Señor Collantes to Mr. Edwardes.*

Muy Señor mio, *Palacio, 29 de Mayo de* 1861.

EN contestacion á la nota que V. S. se ha servido dirigirme, con fecha 23 del actual, relativa á la conversacion que habia mediado entre el Cónsul Británico acreditado en Santo Domingo y el Secretario del Señor Rubalcaba, Jefe de la Division Naval Española, acerca del derecho que asiste á los propietarios de esclavos huidos á aquella isla para reclamarlos, tengo la honra de poner en conocimiento de V. S. que habiendo resuelto el Gobierno de Su Magestad no restablecer la esclavitud, segun lo ha manifestado bien claramente en el preambulo del Real Decreto de Reincorporacion fecha 19 del presente mes, considerará siempre libres á todos los habitantes de color residentes en Santo Domingo.

Aprovecho, &c.
(Firmado) S. CALDERON COLLANTES.

(Translation.)

Sir, *Madrid, May* 29, 1861.

IN answer to the note that you were good enough to address me, dated the 23rd instant, relating to a conversation which had taken place between the British Consul accredited to Santo Domingo and the Secretary of Señor Rubalcaba, General-in-chief of the Spanish Naval Division, respecting the right belonging to the owners of reclaiming their slaves who have fled to that island, I have the honour to inform you that Her Majesty's Government, having resolved not to re-establish slavery, as was very clearly pointed out in the preamble of the Royal Decree of Reincorporation dated the 19th instant, will always consider all the inhabitants of colour residing in Santo Domingo as free.

I avail, &c.
(Signed) S. CALDERON COLLANTES.

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No. 20.

*Mr. Edwardes to Lord J. Russell.—(Received July* 13.)

My Lord, *Madrid, July* 7, 1860.

IN conformity with your Lordship's instructions, I have read your despatch of the 29th of May last to M. Calderon Collantes, and have left a copy of it with his Excellency.

M. Calderon assured me that Her Majesty's Government had no cause whatever to apprehend that slavery would be established in Santo Domingo; that such was far from the intention of the Spanish Government, as had been clearly set forth in the Address from the Council of Ministers to Her Catholic Majesty, which accompanied the Decree accepting the annexation of the Republic.

I told M. Calderon Collantes Her Majesty's Government was convinced that the intentions of the present Spanish Government were such as he represented them, but in order to give full security to the black inhabitants of Santo Domingo, it will, in the opinion of Her Majesty's Government, be necessary that, by some Law of the Cortes, or by a Royal Decree, the old and the young who have escaped from slavery in Cuba or Porto Rico should be effectually secured against legal claims of their former masters which might separate them from their families, destroy their acquired property, and reduce them again to a state of slavery.

The Spanish Minister for Foreign Affairs then gave me positive assurances that the persons in question would never be allowed, nor any pursuit after them be permitted. That, as the case now stands, it would require a special law for the purpose before slavery could be established in Santo Domingo, and in the present age of civilization, and, above all, taking into consideration the senti-

ments of the Spanish people, no Ministry could bring forward, and no Cortes pass, such a law.

His Excellency further said that the public feeling in Spain was against the Slave Trade, and the Spanish Government was using its best endeavours to put a stop to it, but that its total suppression could not be effected in a day, or before measures for substituting other labour were matured.

I have, &c.

(Signed) R. EDWARDES.

# SANTO DOMINGO.

PAPERS relating to the Annexation of Eastern Santo Domingo to Spain.

*Presented to the House of Commons by Command of Her Majesty.* 1861.

LONDON:
PRINTED BY HARRISON AND SONS.

# TREATY

FOR THE

# REDEMPTION

OF THE

# STADE TOLL.

*Signed at Hanover, June* 22, 1861.

## WITH PROTOCOLS RELATING THERETO.

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*Presented to both Houses of Parliament by Command of Her Majesty.*
1861.

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LONDON:
PRINTED BY HARRISON AND SONS.

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*Signed at Hanover, June* 22, 1861.

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[*Ratifications exchanged at Hanover, June* 30, 1861.]

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SA Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, Sa Majesté l'Empereur d'Autriche, Roi de Hongrie et de Bohême, Sa Majesté le Roi des Belges, Sa Majesté l'Empereur du Brésil, Sa Majesté le Roi de Danemark, Sa Majesté la Reine d'Espagne, Sa Majesté l'Empereur des Français, Son Altesse Royale le Grand Duc de Mecklembourg-Schwerin, Sa Majesté le Roi des Pays-Bas, Sa Majesté le Roi des Royaumes de Portugal et des Algarves, Sa Majesté le Roi de Prusse, Sa Majesté l'Empereur de toutes les Russies, Roi de Pologne, Grand Duc de Finlande, Sa Majesté le Roi de Suède et de Norwège, et les Sénats des Villes Libres et Anséatiques de Lubeck, Brême, et Hambourg, d'une part;

Et Sa Majesté le Roi de Hanovre, d'autre part;

Egalement animés du désir de faciliter et d'activer les rapports de commerce et de navigation entre leurs Etats respectifs, ont résolu de conclure un Traité dans le but d'affranchir la navigation de l'Elbe du droit connu sous la dénomination de péage de Stade ou de Brunshausen, et ont nommé à cet effet pour leurs Plénipotentiaires, savoir:

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, le Sieur Henry Francis Howard, Esquire, Son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi de Hanovre;

Sa Majesté l'Empereur d'Autriche, Roi de Hongrie et de Bohème, le Sieur Frédéric Hugues, Comte d'Ingelheim Echter de Mespelbrunn, Chevalier Honoraire de Malte, Grand-Croix des Ordres des Guelphes, de Guillaume de Hesse, et de la Maison Grand-Ducale d'Oldenbourg, Commandeur de l'Ordre Grand-Ducal de Louis de Hesse, et de l'Ordre du St. Sauveur de Grèce, Son Conseiller Privé actuel et Chambellan, Son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi de Hanovre;

Sa Majesté le Roi des Belges, le Sieur Jean Baptiste Baron Nothomb, décoré de la Croix de Fer, Grand Cordon de Son Ordre de Léopold, et des Ordres de la Branche Ernestine, d'Albert le Valeureux, de la Légion d'Honneur, de l'Aigle Rouge, de Charles III, du Christ de Portugal, de St. Michel de Bavière, de St. Olaf, du Lion Néerlandais, du Lion de Zaehringen, du Mérite de la Hesse Grand-Ducale, de la Maison d'Anhalt, &c., Son Ministre d'Etat, Son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi de Hanovre;

Sa Majesté l'Empereur du Brésil, le Sieur Marcos Antonio Chevalier d'Araujo, Commandeur de l'Ordre du Christ du Brésil, Grand-Croix des Ordres de l'Aigle Rouge et du Danebrog, Chevalier de l'Ordre de la Conception de Portugal, Membre de Son Conseil, et Son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi de Hanovre;

Sa Majesté le Roi de Danemark, le Sieur Charles Ernest Jean de Bülow, Commandeur

de Son Ordre du Danebrog, et décoré de la Croix d'Honneur du même Ordre, Chevalier de l'Ordre de St. Stanislas de seconde classe, Commandeur de l'Ordre de St. Olaf de Norwège, Chevalier des Ordres de l'Epée de Suède, et de Guillaume de Hesse, Son Major-Général et Chambellan, Son Envoyé en Mission Extraordinaire près Sa Majesté le Roi de Hanovre ;

Sa Majesté la Reine d'Espagne, le Sieur Vizente Gutierrez Chevalier de Terán, Commandeur de Son Ordre d'Isabelle la Catholique, et Chevalier de l'Ordre de Charles III, Commandeur des Ordres de Léopold de Belgique et du Danebrog, Chevalier de l'Ordre de St. Jean, Son Secrétaire de Cabinet, Son Ministre Résident près Sa Majesté le Roi de Danemark ;

Sa Majesté l'Empereur des Français, le Sieur Joseph Alphonse Paul Baron de Malaret, Officier de Son Ordre Impérial de la Légion d'Honneur, Commandeur de nombre extraordinaire de l'Ordre de Charles III d'Espagne, Chevalier de l'Ordre de Pie IX, Son Ministre Plénipotentiaire près Sa Majesté le Roi de Hanovre ;

Sa Majesté le Roi de Hanovre, le Sieur Adolphe Charles Louis Comte de Platen-Hallermund, Commandeur de première classe de Son Ordre des Guelphes, Grand-Cordon des Ordres de Léopold d'Autriche, de l'Aigle Rouge de Prusse, de l'Aigle Blanc de Russie, du Lion Néerlandais, de la Maison d'Oldenbourg, de Pie IX, des Saints Maurice et Lazare, &c., Son Ministre d'Etat et des Affaires Etrangères ;

Son Altesse Royale le Grand Duc de Mecklembourg-Schwerin, le Sieur Othon Henri Jasper de Wickede, Son Conseiller au Ministère des Finances ;

Sa Majesté le Roi des Pays-Bas, le Sieur Antoine Jean Lucas Baron Stratenus, Commandeur de Son Ordre Royal du Lion Néerlandais, Son Chambellan, Son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi de Hanovre ;

Sa Majesté le Roi des Royaumes de Portugal et des Algarves, Dom Francisco d'Almeida Portugal Comte de Lavradio, Grand-Croix de l'ancien et très noble Ordre de la Tour et l'Epée, et de l'Ordre Militaire du Christ, Commandeur de l'Ordre Royal de Notre Dame de la Conception de Villa Viçosa du Portugal, Grand-Croix des Ordres de l'Aigle Rouge de Prusse, de Léopold de Belgique, du Danebrog, et de la Branche Ernestine de Saxe, Chevalier de première classe en diamants de l'Ordre Princier de Hohenzollern, &c., Président de la Chambre des Pairs, Son Conseiller d'Etat effectif et Ministre d'Etat Honoraire, Son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Britannique ;

Sa Majesté le Roi de Prusse, le Prince Gustave d'Ysenbourg et Budingen, Chevalier de Son Ordre de l'Aigle Rouge de troisième classe avec nœud, Chevalier de droit de l'Ordre de St. Jean de Prusse, et décoré de la Croix pour le Mérite Militaire, Grand-Croix de l'Ordre de la Maison d'Oldenbourg, Commandeur de première classe des Ordres des Guelphes de Hanovre, et de Henri le Lion de Brunswick, &c., Son Lieutenant-Colonel à la suite du Premier Régiment des Dragons de la Garde, Son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi de Hanovre ;

Sa Majesté l'Empereur de toutes les Russies, Roi de Pologne, Grand Duc de Finlande, le Sieur Jean Persiany, Chevalier de Ses Ordres de Ste. Anne de première classe, de St. Stanislas de première classe, et de St. Wladimir de troisième classe, Grand-Croix du Sauveur de Grèce, Chevalier du Lion de Zaehringen de troisième classe, et décoré de l'Ordre du Nichan-Iftihar de Turquie, son Conseiller Privé, Son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi de Hanovre ;

Sa Majesté le Roi de Suède et de Norwège, le Sieur Charles Adolphe Sterky, Chevalier de Son Ordre de l'Etoile Polaire, de l'Ordre de Ste. Anne de Russie de troisième classe, et de l'Ordre du Danebrog, Son Ministre Résident en Mission Spéciale près Sa Majesté le Roi de Hanovre, Son Ministre Résident et Consul-Général près les Villes Libres et Anséatiques de Lubeck, Brême, et Hambourg ;

Le Sénat de la Ville Libre et Anséatique de Lubeck, le Sieur Théodore Curtius, Docteur en droit, Sénateur de cette Ville ;

Le Sénat de la Ville Libre et Anséatique de Brême, le Sieur Othon Gildemeister, Sénateur de cette Ville ;

Le Sénat de la Ville Libre et Anséatique de Hambourg, le Sieur Charles Hermann Merck, Docteur en droit, Syndic de la dite Ville ;

Lesquels, après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

## ARTICLE I.

Sa Majesté le Roi de Hanovre prend envers Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, Sa Majesté l'Empereur d'Autriche, Roi de Hongrie et de

Bohême, Sa Majesté le Roi des Belges, Sa Majesté l'Empereur du Brésil, Sa Majesté le Roi de Danemark, Sa Majesté la Reine d'Espagne, Sa Majesté l'Empereur des Français, Son Altesse Royale le Grand Duc de Mecklembourg-Schwerin, Sa Majesté le Roi des Pays-Bas, Sa Majesté le Roi des Royaumes de Portugal et des Algarves, Sa Majesté le Roi de Prusse, Sa Majesté l'Empereur de toutes les Russies, Roi de Pologne, Grand Duc de Finlande, Sa Majesté le Roi de Suède et de Norwège, et les Sénats des Villes Libres et Anséatiques de Lubeck, Brême, et Hambourg, qui l'acceptent, l'engagement—

1. D'abolir complètement et à jamais le droit jusqu'ici prélevé sur les cargaisons des navires qui, en montant l'Elbe, venaient passer l'embouchure de la rivière dite Schwinge, droit généralement désigné sous le nom de péage de Stade ou de Brunshausen ;

2. De ne substituer au droit dont la suppression est stipulée par le paragraphe précédent aucune nouvelle taxe, de quelque nature qu'elle soit, à raison de la coque ou des cargaisons, sur les navires qui monteront ou descendront l'Elbe ;

3. De n'assujettir désormais, sous quelque prétexte que ce soit, à aucune mesure de contrôle relative au droit cessant, les navires qui monteront ou descendront l'Elbe.

Il est cependant bien entendu que les dispositions ci-dessus ne seront obligatoires qu'à l'égard des Puissances qui ont pris part ou adhéreront au présent Traité ; Sa Majesté le Roi de Hanovre se réservant expressément le droit de régler par accords particuliers, n'impliquant ni visite ni détention, le traitement fiscal et douanier des navires appartenant aux Puissances qui sont restées ou resteront en dehors de ce Traité.

## ARTICLE II.

Sa Majesté le Roi de Hanovre s'engage en outre envers les susdites Hautes Parties Contractantes :

1. A prendre soin, comme par le passé et dans la mesure de ses obligations actuelles, de la conservation des ouvrages qui sont nécessaires à la libre navigation de l'Elbe.

2. A n'introduire, à titre de compensation pour les dépenses résultant de l'exécution de cet engagement, aucune charge quelconque aux lieu et place du droit de Stade ou de Brunshausen.

## ARTICLE III.

Les engagements contenus dans les deux Articles précédents produiront leur effet à partir du 1 Juillet, 1861.

## ARTICLE IV.

Comme dédommagement et compensation des sacrifices que les stipulations ci-dessus doivent imposer à Sa Majesté le Roi de Hanovre, Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, Sa Majesté l'Empereur d'Autriche, Roi de Hongrie et de Bohême, Sa Majesté le Roi des Belges, Sa Majesté l'Empereur du Brésil, Sa Majesté le Roi de Danemark, Sa Majesté la Reine d'Espagne, Sa Majesté l'Empereur des Français, Son Altesse Royale le Grand Duc de Mecklembourg-Schwerin, Sa Majesté le Roi des Pays Bas, Sa Majesté le Roi des Royaumes de Portugal et des Algarves, Sa Majesté le Roi de Prusse, Sa Majesté l'Empereur de toutes les Russies, Roi de Pologne, Grand Duc de Finlande, Sa Majesté le Roi de Suède et de Norwège, et les Sénats des Villes Libres et Anséatiques de Lubeck, Brême, et Hambourg, s'engagent de leur côté à payer à Sa Majesté le Roi d'Hanovre, qui l'accepte, une somme totale de 2,857,338⅔ thalers (Allemands), à répartir de la manière suivante :—

| | Thalers Allemands. |
|---|---|
| Sur la Grande Bretagne, pour .. .. .. | 1,033,333⅓ |
| „ l'Autriche .. .. .. .. | 1,273 |
| „ la Belgique .. .. .. .. | 19,413 |
| „ Brême .. .. .. .. .. | 40,334 |
| „ le Brésil .. .. .. .. | 1,013 |
| „ le Danemark .. .. .. .. | 209,543 |
| „ l'Espagne .. .. .. .. | 37,789 |
| „ la France .. .. .. .. | 71,166 |
| „ Hambourg .. .. .. .. | 1,033,333⅓ |
| „ Lubeck .. .. .. .. .. | 8,885 |
| „ le Mecklembourg .. .. .. .. | 15,855 |
| „ la Norwège .. .. .. .. | 64,258 |
| „ les Pays-Bas .. .. .. .. | 169,963 |
| „ le Portugal .. .. .. .. | 16,213 |
| „ la Prusse .. .. .. .. | 34,489 |
| „ la Russie .. .. .. .. | 7,983 |
| „ la Suède .. .. .. .. | 92,495 |

Il est bien entendu que les Hautes Parties Contractantes ne seront éventuellement responsables que pour la quotepart mise à la charge de chacune d'elles.

ARTICLE V.

En ce qui regarde le mode, le lieu, et l'époque de payement des différentes quoteparts, il est convenu que le payement sera effectué en thalers (Allemands), à Hanovre ou à Hambourg, selon le choix du Gouvernement payant, et dans le terme de trois mois à partir du 1 Juillet, 1861. Il pourra cependant intervenir des arrangements particuliers aux fins de proroger le terme susindiqué ou de stipuler le payement par annuités.

L'acquittement d'intérêts au taux de quatre pour cent du capital deviendra obligatoire à partir du 1er Octobre, 1861, pour les payements en somme intégrale ; à partir du 1er Juillet, 1861, pour les payements en termes.

ARTICLE VI.

L'exécution des engagements réciproques contenus dans le présent Traité est expressément subordonnée à l'accomplissement des formalités et règles établies par les lois constitutionnelles de celles des Hautes Puissances Contractantes qui sont tenues d'en provoquer l'application, ce qu'elles s'obligent à faire dans le plus bref délai possible.

ARTICLE VII.

Le présent Traité sera ratifié, et les ratifications en seront échangées à Hanovre avant le 1er Juillet, 1861, ou aussitôt que possible après l'expiration de ce terme.

En foi de quoi les Plénipotentiaires respectifs l'ont signé, et y ont apposé le cachet de leurs armes.

Fait à Hanovre, le 22ème jour du mois de Juin, de l'an 1861.

(L.S.) HENRY FRANCIS HOWARD. (L.S.) PLATEN-HALLERMUND.
(L.S.) F. INGELHEIM.
(L.S.) NOTHOMB.
(L.S.) ARAUJO
(L.S.) J. v. BÜLOW.
(L.S.) V. G. DE TERAN.
(L.S.) MALARET.
(L.S.) OTTON DE WICKEDE.
(L.S.) STRATENUS.
(L.S.) C. DE LAVRADIO.
(L.S.) LE PRINCE GUSTAVE D'YSENBOURG.
(L.S.) PERSIANY.
(L.S.) C. A. STERKY.
(L.S.) TH. CURTIUS, Dr.
(L.S.) GILDEMEISTER.
(L.S.) C. H. MERCK, Dr.

(Translation.)

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, His Majesty the Emperor of Austria, King of Hungary and Bohemia, His Majesty the King of the Belgians, His Majesty the Emperor of Brazil, His Majesty the King of Denmark, Her Majesty the Queen of Spain, His Majesty the Emperor of the French, His Royal Highness the Grand Duke of Mecklenburg-Schwerin, His Majesty the King of the Netherlands, His Majesty the King of the Kingdom of Portugal and the Algarves, His Majesty the King of Prussia, His Majesty the Emperor of all the Russias, King of Poland, Grand Duke of Finland, His Majesty the King of Sweden and Norway, and the Senates of the Free Hanseatic Cities of Lubeck, Bremen, and Hamburgh, on the one part;

And His Majesty the King of Hanover, on the other part;

Being equally animated with the desire to facilitate and promote the relations of commerce and navigation between their respective dominions, have resolved to conclude a Treaty, with a view to relieve the navigation of the Elbe from the duty known under the denomination of the Stade or Brunshausen toll, and have for that purpose named as their Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Henry Francis Howard, Esquire, Her Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of Hanover;

His Majesty the Emperor of Austria, King of Hungary and Bohemia, the Sieur Frederic Hugh, Count of Ingelheim Echter de Mespelbrunn, Honorary Knight of Malta, Grand Cross of the Order of the Guelphs, of William of Hesse, and of the Grand-Ducal House of Oldenburg, Commander of the Grand-Ducal Order of Lewis of Hesse, and of the Order of the Redeemer of Greece, His Privy Councillor and Chamberlain, His Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of Hanover;

His Majesty the King of the Belgians, the Sieur John Baptist Baron Nothomb, decorated with the Iron Cross, Grand Cordon of His Order of Leopold, and of the Orders of the Ernestine Branch, of Albert the Valorous, of the Legion of Honour, of the Red Eagle, of Charles III, of Christ of Portugal, of St. Michael of Bavaria, of St. Olaf, of the Netherland Lion, of the Lion of Zaehringen, of Merit of Grand-Ducal Hesse, of the House of Anhalt, &c., His Minister of State, His Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of Hanover;

His Majesty the Emperor of Brazil, the Sieur Marcos Antonio Chevalier d'Araujo, Commander of the Order of Christ of Brazil, Grand Cross of the Orders of the Red Eagle and of Danebrog, Knight of the Order of the Conception of Portugal, a Member of His Council, and His Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of Hanover;

His Majesty the King of Denmark, the Sieur Charles Ernest de Bülow, Commander of His Order of Danebrog, and decorated with the Cross of Honour of the same Order, Knight of the Order of Stanislaus of the second class, Commander of the Order of St. Olaf of Norway, Knight of the Orders of the Sword of Sweden and of William of Hesse, His Major-General and Chamberlain, His Envoy on an Extraordinary Mission to His Majesty the King of Hanover;

Her Majesty the Queen of Spain, the Sieur Vizente Gutierrez Chevalier de Terán, Commander of Her Order of Isabella the Catholic, and Knight of the Order of Charles III, Commander of the Orders of Leopold of Belgium and of Danebrog, Knight of the Order of St. John, Her Secretary of Cabinet, Her Minister Resident to His Majesty the King of Denmark;

His Majesty the Emperor of the French, the Sieur Joseph Alphonse Paul Baron de Malaret, Officer of His Imperial Order of the Legion of Honour, supernumerary Commander of the Order of Charles III of Spain, Knight of the Order of Pius IX, His Minister Plenipotentiary to His Majesty the King of Hanover;

His Majesty the King of Hanover, the Sieur Adolphus Charles Lewis Count of Platen-Hallermund, Commander of the first class of His Order of the Guelphs, Grand Cordon of the Orders of Leopold of Austria, of the Red Eagle of Prussia, of the White Eagle of Russia, of the Netherland Lion, of the House of Oldenburg, of Pius IX, of Saint Maurice and Saint Lazarus, &c., His Minister of State and for Foreign Affairs;

His Royal Highness the Grand Duke of Mecklenburg-Schwerin, the Sieur Otho Henry Jasper de Wickede, His Councillor in the Department of Finance;

His Majesty the King of the Netherlands, the Sieur Anthony John Lucas Baron

Stratenus, Commander of His Royal Order of the Netherland Lion, His Chamberlain, His Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of Hanover;

His Majesty the King of the Kingdom of Portugal and the Algarves, Don Francisco d'Almeida Portugal Count of Lavradio, Grand Cross of the ancient and most noble Order of the Tower and Sword, and of the Military Order of Christ, Commander of the Royal Order of Our Lady of the Conception of Villa Viçosa of Portugal, Grand Cross of the Order of the Red Eagle of Prussia, of Leopold of Belgium, of Danebrog, and of the Ernestine Branch of Saxony, Knight of the first class in diamonds of the Princely Order of Hohenzollern, &c., President of the Chamber of Peers, His actual Councillor of State and Honorary Minister of State, His Envoy Extraordinary and Minister Plenipotentiary to Her Britannic Majesty;

His Majesty the King of Prussia, the Prince Gustavus d'Ysenbourg and Budingen, Knight of His Order of the Red Eagle of the third class with knot, Knight *de droit* of the Order of St. John of Prussia, and decorated with the Cross for Military Merit, Grand Cross of the Order of the House of Oldenburg, Commander of the first class of the Orders of the Guelphs of Hanover, and of Henry the Lion of Brunswick, &c., His Lieutenant-Colonel attached to the First Regiment of Dragoons of the Guard, His Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of Hanover;

His Majesty the Emperor of all the Russias, King of Poland, Grand Duke of Finland, the Sieur John Persiany, Knight of His Orders of St. Anne of the first class, of St. Stanislaus of the first class, and of St. Vladimir of the third class, Grand Cross of the Redeemer of Greece, Knight of the Lion of Zachringen of the third class, and decorated with the Order of the Nichan-Iftihar of Turkey, His Privy Councillor, His Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of Hanover;

His Majesty the King of Sweden and Norway, the Sieur Charles Adolphus Sterky, Knight of His Order of the Polar Star, of the Order of St. Anne of Russia of the third class, and of the Order of Danebrog, His Minister Resident on a Special Mission to His Majesty the King of Hanover, His Minister Resident and Consul-General to the Free Hanseatic Cities of Lubeck, Bremen and Hamburgh;

The Senate of the Free Hanseatic City of Lubeck, the Sieur Theodore Curtius, Doctor of Laws, and Senator of that City;

The Senate of the Free Hanseatic City of Bremen, the Sieur Otho Gildemeister, a Senator of that City;

The Senate of the Free Hanseatic City of Hamburgh, the Sieur Charles Hermann Merck, Doctor of Laws, a Syndic of the said City;

Who, after having exchanged their full powers, found in good and due form, have agreed upon the following Articles:—

## ARTICLE I.

His Majesty the King of Hanover engages to Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, His Majesty the Emperor of Austria, King of Hungary and Bohemia, His Majesty the King of the Belgians, His Majesty the Emperor of Brazil, His Majesty the King of Denmark, Her Majesty the Queen of Spain, His Majesty the Emperor of the French, His Royal Highness the Grand Duke of Mecklenburg-Schwerin, His Majesty the King of the Netherlands, His Majesty the King of the Kingdom of Portugal and the Algarves, His Majesty the King of Prussia, His Majesty the Emperor of all the Russias, King of Poland, Grand Duke of Finland, His Majesty the King of Sweden and Norway, and the Senates of the Free Hanseatic Cities of Lubeck, Bremen, and Hamburgh, who accept such engagement—

1. To abolish completely and for ever the duty hitherto levied upon the cargoes of vessels which, in ascending the Elbe, pass the mouth of the River Schwinge, which duty is generally known under the name of the Stade or Brunshausen toll.

2. Not to substitute for the duty, the suppression of which is stipulated by the preceding paragraph, any new tax, of whatever nature, with regard either to the hull or the cargo, upon vessels which shall ascend or descend the Elbe.

3. Not henceforth to subject, under any pretence whatever, vessels which shall ascend or descend the Elbe, to any measure of control relating to the discontinued duty.

It is, however, well understood that the above-mentioned arrangements shall be obligatory only with regard to the Powers which are parties to the present Treaty, or may accede thereto; His Majesty the King of Hanover expressly reserving to himself the right to regulate, by special arrangements, not involving visit or detention, the treatment in regard to duties and customs, of vessels belonging to Powers which have not or shall not become parties to this Treaty.

## ARTICLE II.

His Majesty the King of Hanover engages, moreover, to the above-mentioned High Contracting Parties :—

1. To take care, as hitherto, and according to his actual obligations, of the preservation of the works which are necessary to the free navigation of the Elbe.

2. Not to introduce, by way of compensation for the expenses resulting from the execution of such engagement, any charge whatever in the stead and place of the Stade or Brunshausen duty.

## ARTICLE III.

The engagements contained in the two preceding Articles shall come into operation from and after the 1st of July, 1861.

## ARTICLE IV.

As compensation for the sacrifices which the stipulations above mentioned will impose upon His Majesty the King of Hanover, Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, His Majesty the Emperor of Austria, King of Hungary and Bohemia, His Majesty the King of the Belgians, His Majesty the Emperor of Brazil, His Majesty the King of Denmark, Her Majesty the Queen of Spain, His Majesty the Emperor of the French, His Royal Highness the Grand Duke of Mecklenburg-Schwerin, His Majesty the King of the Netherlands, His Majesty the King of the Kingdoms of Portugal and the Algarves, His Majesty the King of Prussia, His Majesty the Emperor of all the Russias, King of Poland, Grand Duke of Finland, His Majesty the King of Sweden and Norway, and the Senates of the Free Hanseatic Cities of Lubeck, Bremen, and Hamburgh, engage, on their part, to pay to His Majesty the King of Hanover, who accepts the same, a total sum of 2,857,338⅔ German thalers, to be thus assessed :

| | German thalers. |
|---|---|
| Upon Great Britain .. .. .. .. | 1,033,333⅓ |
| „ Austria .. .. .. .. .. | 1,273 |
| „ Belgium .. .. .. .. .. | 19,413 |
| „ Bremen .. .. .. .. .. | 40,334 |
| „ Brazil .. .. .. .. .. | 1,013 |
| „ Denmark .. .. .. .. | 209,543 |
| „ Spain .. .. .. .. .. | 37,789 |
| „ France .. .. .. .. .. | 71,166 |
| „ Hamburgh .. .. .. .. | 1,033,333⅓ |
| „ Lubeck .. .. .. .. .. | 8,885 |
| „ Mecklenburg .. .. .. .. | 15,855 |
| „ Norway .. .. .. .. .. | 64,258 |
| „ Netherlands .. .. .. .. | 169,963 |
| „ Portugal . .. .. .. .. | 16,213 |
| „ Prussia .. .. .. .. .. | 34,489 |
| „ Russia .. .. .. .. .. | 7,983 |
| „ Sweden . .. .. .. .. | 92,495 |

It is fully understood that each of the High Contracting Parties shall be eventually responsible only for the share placed to its own charge.

## ARTICLE V.

With regard to the manner, the place, and the time of payment of the different quotas, it is agreed that payment shall be made in German thalers, at Hanover or at Hamburgh, at the option of the paying Government, and within the term of three months from the 1st of July, 1861. Separate arrangements may, nevertheless, be made with a view to extend the term above mentioned, or to provide for payment by annuities.

The payment of interest, at the rate of four per cent. upon the capital, shall be obligatory from the 1st of October, 1861, for payments in one sum; and from the 1st of July, 1861, for payments in instalments.

## ARTICLE VI.

The execution of the reciprocal engagements contained in the present Treaty is expressly declared to be subject to the fulfilment of the formalities and rules prescribed by the constitutional laws of those of the High Contracting Parties for whom such a sanction is needful, and who engage to take measures for obtaining the same with the least possible delay.

ARTICLE VII.

The present Treaty shall be ratified, and the ratifications shall be exchanged at Hanover before the 1st of July, 1861, or as soon as possible after that date.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Hanover, the 22nd day of June, in the year 1861.

(L.S.) HENRY FRANCIS HOWARD. (L.S.) PLATEN-HALLERMUND.
(L.S.) F. INGELHEIM.
(L.S.) NOTHOMB.
(L.S.) ARAUJO.
(L.S.) J. v. BÜLOW.
(L.S.) V. G. DE TERAN.
(L.S.) MALARET.
(L.S.) OTTON DE WICKEDE.
(L.S.) STRATENUS.
(L.S.) C. DE LAVRADIO.
(L.S.) LE PRINCE GUSTAVE D'YSENBOURG.
(L.S.) PERSIANY.
(L.S.) C. A. STERKY.
(L.S.) TH. CURTIUS, Dr.
(L.S.) GILDEMEISTER.
(L.S.) C. H. MERCK, Dr.

# Protocols.

*Protocol of a Conference held at Hanover, June 22, 1861.*

DANS le cas où l'exécution des engagements contenus dans les Articles VI et VII du Traité de ce jour ne pourrait avoir lieu avant le 1er Juillet, 1861, il demeure entendu que le Gouvernement Hanovrien conservera le droit de maintenir après cette époque, à titre provisoire, par voie de cautionnement, le droit qu'il s'est engagé à abolir ; mais au fur et à mesure qu'une des Puissances Contractantes aura rempli les susdits engagements, le Gouvernement Hanovrien fera cesser, de son côté, les mesures provisoires de cautionnement, et en ordonnera la décharge à l'égard des marchandises transportées dans les navires de cette Puissance. Il pourra néanmoins, jusqu'à l'accomplissement définitif, par toutes les Puissances Contractantes, des engagements contenus dans les Articles VI et VII, exiger des navires affranchis la justification de leur nationalité, sans qu'il puisse en résulter pour ces navires ni retard ni détention.

Fait à Hanovre, le 22 Juin, 1861.

(L.S.) HENRY FRANCIS HOWARD. (L.S.) PLATEN-HALLERMUND.
(L.S.) F. INGELHEIM.
(L.S.) NOTHOMB.
(L.S.) ARAUJO.
(L.S.) J. v. BÜLOW.
(L.S.) V. G. DE TERAN.
(L.S.) MALARET.
(L.S.) OTHON DE WICKEDE.
(L.S.) STRATENUS.
(L.S.) C. DE LAVRADIO.
(L.S.) LE PRINCE GUSTAVE D'YSENBOURG.
(L.S.) PERSIANY.
(L.S.) C. A. STERKY.
(L.S.) TH. CURTIUS, Dr.
(L.S.) GILDEMEISTER.
(L.S.) C. H. MERCK, Dr.

(Translation.)

IN case it should not be possible for the execution of the engagements contained in Articles VI and VII of the Treaty of this date to take place before the 1st of July, 1861, it is understood that the Hanoverian Government shall retain the right to maintain provisionally after that date, by taking security, the duty which it has engaged to abolish ; but as soon as any of the Contracting Powers shall have fulfilled the said engagements, the Hanoverian Government shall, on its part, terminate the provisional measure of taking security, and shall direct the discharge of such securities with regard to goods conveyed in the vessels of such Power. The Hanoverian Government may, nevertheless, until all the

Contracting Parties shall have definitively accomplished the engagements contained in Articles VI and VII, require from exempted vessels the verification of their nationality, without, however, thereby occasioning to such vessels any delay or detention.

Done at Hanover, the 22nd of June, 1861.

(L.S.) HENRY FRANCIS HOWARD. (L.S.) PLATEN-HALLERMUND.
(L.S.) F. INGELHEIM.
(L.S.) NOTHOMB.
(L.S.) ARAUJO.
(L.S.) J. v. BÜLOW.
(L.S.) V. G. DE TERAN.
(L.S.) MALARET.
(L.S.) OTTON DE WICKEDE.
(L.S.) STRATENUS.
(L.S.) C. DE. LAVRADIO.
(L.S.) LE PRINCE GUSTAVE D'YSENBOURG.
(L.S.) PERSIANY.
(L.S.) C. A. STERKY.
(L.S.) TH. CURTIUS, Dr.
(L.S.) GILDEMEISTER.
(L.S.) C. H. MERCK, Dr.

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*Extracts from Protocol (No. 3) of a Conference held at Hanover, June 19, 1861.*

LA Conférence passe à l'examen du Projet de Protocole devant régler l'état intérimaire à établir jusqu'à l'accomplissement définitif par toutes les Puissances Contractantes des engagements contenus dans les Articles VI et VII du Traité.

Le Protocole est lu par M. le Comte de Platen.

Le Délégué de Hanovre croit pouvoir se dispenser de justifier un Projet qui est de tout point conforme au Protocole signé lors de l'abolition des droits du Sund.

M. le Délégué des Pays-Bas fait remarquer qu'il y aura lieu de constater la manière dont le Gouvernement de Hanovre entend exécuter la mesure de cautionnement prévue par le projet. Rappelant la circulaire émanée du Directorat de la Douane du Sund le 29 Mars, 1857, et qui, quoique non comprise dans les négociations proprement dites, ne laisse pas que d'avoir un certain caractère international, il énonce le désir que le Hanovre fasse un arrangement administratif qui soit analogue à la mesure précitée du Gouvernement Danois. C'est sous le bénéfice de cette réserve que le Gouvernement des Pays-Bas peut admettre le Protocole.

M. le Comte de Platen-Hallermund répond que le Gouvernement de Hanovre, dans la ferme volonté de ménager autant que possible tous les intérêts engagés, est prêt à s'arrêter à un expédient qui consisterait à laisser aux intéressés le droit facultatif et alternatif d'opérer le dépôt en numéraire, ou de se faire cautionner par un courtier résidant dans le port de destination et dont la solvabilité soit connu au bureau des péages, et qui, contre les papiers et documents indiqués dans le § 8 *b* du Réglement du 13 Avril, 1844 (sur le péage de Stade ou de Brunshausen), n'aurait à remettre qu'une simple cédule, en gardant son recours contre qui de droit à l'égard des sommes y indiquées.

La Conférence décide unanimement d'adhérer à la proposition formulée par M. le Délégué de Hanovre et qui sera insérée au procès-verbal de la séance.

Le Protocole est mis aux voix et adopté à l'unanimité, après que le terme du 1er Juillet, 1861, y a été inséré.

M. le Plénipotentiaire de la Grande Bretagne prend la parole. Il se prononce dans les termes suivants :—

"La Conférence vient très-heureusement d'arrêter la rédaction du Traité par lequel le droit de Stade sera aboli, et le Hanovre prend les engagements contenus dans l'Article II. Je pense que, comme il y a deux autres Etats Riverains représentés à la Conférence, il serait utile de constater de quelle manière leurs Gouvernements entendent agir à l'avenir relativement au maintien de la libre navigation de ce fleuve.

" Je prends donc la liberté de demander à chacun de ces deux Plénipotentiaires s'ils ne sont pas à même de s'expliquer à ce sujet."

M. le Plénipotentiaire de Sa Majesté le Roi de Danemark donne lecture de la déclaration suivante :—

" Le Plénipotentiaire de Sa Majesté le Roi de Danemark déclare que son Gouvernement s'engage à entretenir, à l'avenir comme par le passé, pour ce qui le concerne, les ouvrages servant au maintien de la navigabilité de l'Elbe, sans imposer à titre de compensation un nouveau droit quelconque, soit sur la coque des navires qui monteront ou descendront ce fleuve, soit sur leurs cargaisons."

M. le Plénipotentiaire de Hambourg, se rendant de son côté à l'invitation de M. le Plénipotentiaire de la Grande Bretagne, dit qu'il lui serait peut-être permis de contester sur la question que l'on soulève la compétence de la Conférence. Il s'en abstiendra. En conséquence il a l'honneur de faire, au nom du Sénat, la déclaration suivante :—

" Le Plénipotentiaire de la Ville Libre de Hambourg déclare que l'abolition du droit de Stade ne sera jamais pour elle un motif d'altérer la situation actuelle relativement au maintien à ses frais de la navigabilité de l'Elbe de Hambourg jusqu'à la mer, lequel état de choses subsistera à tous égards sans altération."

A la demande de M. le Plénipotentiaire des Pays-Bas la Conférence décide que les déclarations dont il a été donné lecture seront textuellement insérées au Protocole de la séance, ainsi que les explications de M. le Plénipotentiaire de la Grande Bretagne qui les ont provoquées.

(Translation.)

THE Conference proceeds to the examination of the draft of Protocol intended to regulate the temporary state of things until the definitive accomplishment by all the Contracting Powers of the engagements contained in Articles VI and VII of the Treaty.

The Protocol is read by the Count de Platen.

The Delegate of Hanover deems it unnecessary to say anything in support of a draft which is in all points conformable to the Protocol signed on occasion of the abolition of the Sound dues.

The Delegate of the Netherlands remarks that it will be necessary to ascertain the manner in which the Government of Hanover proposes to execute the measure of taking security contemplated by the draft. Referring to the circular issued by the Direction of the Customs of the Sound on the 29th of March, 1857, which, though not included in the negotiations properly so called, did not the less bear a certain international character, he expresses the desire that Hanover would adopt an administrative arrangement analogous to that measure of the Danish Government. The Government of the Netherlands can only admit the Protocol subject to such a reservation.

The Count de Platen-Hallermund replies that the Government of Hanover, with an earnest wish to accommodate as much as possible all interests concerned, is ready to adopt an expedient which would consist in leaving to the parties the option of making a deposit in cash, or of giving security through a broker residing in the port of destination, whose solvency is known to the toll office, and who, instead of the papers and documents prescribed in § 8 *b* of the Regulation of the 13th of April, 1844 (relative to the Stade or Brunshausen toll) would have only to give a simple note of hand (*cédule*), retaining his remedy against the proper person with regard to the amounts specified therein.

The Conference decides unanimously to accept the proposition of the Delegate of Hanover, which shall be inserted in the *procès-verbal* of the sitting.

The Protocol is put to the vote, and unanimously adopted, after the date of the 1st of July had been inserted therein.

The Plenipotentiary of Great Britain then spoke in the following terms :—

" The Conference has happily decided upon the Draft of Treaty by which the Stade toll will be abolished, and Hanover takes the engagements contained in Article II thereof. I think that as there are two other riverain States represented in the Conference, it would be well to ascertain in what manner their Governments intend to act in future relative to the maintenance of the free navigation of the river.

" I therefore take the liberty of asking each of those Plenipotentiaries whether it is in their power to give explanations on this subject."

The Plenipotentiary of His Majesty the King of Denmark reads the following Declaration :—

" The Plenipotentiary of His Majesty the King of Denmark declares that his Government engages to maintain in future, as in the past, so far as it is concerned, the works serving to maintain the navigability of the Elbe, without imposing, by way of compensation,

any new duty whatever, either upon the hull of vessels which shall ascend or descend that river, or upon their cargoes."

The Plenipotentiary of Hamburgh, responding on his side to the invitation of the Plenipotentiary of Great Britain, says that he might, perhaps, contest the competency of the Conference to deal with the question thus raised. He will, however, abstain from doing so. In consequence, he has the honour to make, in the name of the Senate, the following Declaration :—

"The Plenipotentiary of the Free City of Hamburgh declares that the abolition of the Stade toll will never be for that city a motive for altering the actual state of things relative to the maintenance at its expense of the navigability of the Elbe from Hamburgh to the sea, which state of things will subsist in all respects without alteration."

At the request of the Plenipotentiary of the Netherlands, the Conference decides that the Declarations which have been read shall be textually inserted in the Protocol of the sitting, as well as the explanations of the Plenipotentiary of Great Britain which gave rise to them.

# Treaty for the Redemption of the Stade Toll.

*Signed at Hanover, June* 22, 1861.

With Protocols relating thereto.

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*Presented to both Houses of Parliament by Command of Her Majesty.* 1861.

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LONDON:
PRINTED BY HARRISON AND SONS.

# CORRESPONDENCE

WITH THE

# UNITED STATES' GOVERNMENT

RESPECTING THE

# SUSPENSION

OF THE

# FEDERAL CUSTOM-HOUSE

AT THE

# PORT OF CHARLESTON.

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*Presented to both Houses of Parliament by Command of Her Majesty.*
1861.

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# Correspondence with the United States' Government respecting the Suspension of the Federal Custom-house at the Port of Charleston.

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No. 1.

*Lord Lyons to Lord J. Russell.*—(*Received January* 16, 1861.)

(Extract.) *Washington, December* 31, 1860.

I HAVE the honour to transmit to your Lordship a copy of a note addressed by me to the United States' Secretary of State.

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Inclosure in No. 1.

*Lord Lyons to Judge Black.*

Sir, *Washington, December* 31, 1860.

HER Majesty's Consul at Charleston has sent to me a copy of an Ordinance passed by a Convention sitting in that city, by which it appears to be declared in effect, that the Custom-houses of the United States in South Carolina are converted into Custom-houses of that State; that the Customs officers of the Federal Government are to become Customs officers of South Carolina; that the Revenue and Navigation Laws of the United States are, with one or two specified exceptions, adopted as laws of South Carolina; lastly, that all duties and moneys heretofore collected on the part of the United States are to be collected on account of South Carolina.

I am, moreover, informed that the provisions of this Ordinance have been carried into actual execution.

Such being the case, Her Majesty's Consul has felt it to be his duty to call my attention to certain practical difficulties connected with the entry and clearance of British vessels, and to request me to send him instructions for his own guidance, and for that of masters and consignees of such vessels.

I lose no time in submitting these difficulties to you, being confident that the Government of the United States will be as anxious as I am to prevent any loss or injury, or even any inconvenience, being sustained by foreign commerce, in consequence of the anomalous state of things which appears to exist in South Carolina.

Her Majesty's Consul first mentions the points involved in the arrival of a British vessel, an event which may occur at any moment. He observes that, by the law of the United States passed on the 3rd of March, 1817, it is required "that, upon the arrival of a foreign vessel, the master shall (previous to his being permitted to enter at the Custom-house) produce to the Collector, within forty-eight hours of his arrival, a certificate from the Consul or Vice-Consul of the nation to which the vessel belongs, that he has deposited at the Consulate the register, clearance, and other documents granted at the Custom-house at the port from whence he last sailed."

The penalty upon the master for non-compliance with this enactment appears to be a fine of from 500 to 2,000 dollars.

With regard to the clearance of British vessels, Her Majesty's Consul points out that the law just quoted requires that, before "a foreign Consul shall deliver to the master or commander of a foreign vessel the register or other papers deposited with him, he shall require the production of a clearance from the Collector of the United States' Customs at the port of the vessel's entry."

It seems that if a foreign Consul violate this provision, he is liable to be

tried by the Supreme Court, and, on conviction, to be fined from 500 to 5,000 dollars.

Her Majesty's Consul states further, that it is necessary to consider the case of an American or other non-British vessel bearing a recognized flag, which may be desirous of sailing to a British port, having on board cargo the whole or part of which is the property of a British subject.

Lastly, the Consul adverts to the question of the legality of the payment of duties by a British ship to the *de facto* Collector of the State of South Carolina, in the absence of a Collector of the United States, and upon the requirements of such *de facto* Collector.

I do not think it necessary to make any suggestions of my own as to the measures required with regard to these several points. I take it for granted that the Government of the United States will never exact penalties, nor allow foreign vessels to be subjected to detention or inconvenience in consequence of a non-compliance with formalities or non-payment of duties in cases such as those mentioned above, in which compliance or payment has become impossible.

I limit myself to earnestly requesting that Government to give me without delay such information respecting its wishes and intentions as may enable me to give definite instructions to Her Majesty's Consul at Charleston, and to remove any apprehension which may exist that the abolition *de facto* of the United States' Custom-houses in South Carolina will be allowed to subject British vessels and British commerce to loss, injury, or inconvenience.

In the confidence that you will do me the honour to answer this note at your earliest convenience, I remain, &c.

(Signed) LYONS.

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No. 2.

*Lord Lyons to Lord J. Russell.—(Received January* 21.)

(Extract.) *Washington, January* 7, 1861.

I HAVE the honour to inclose a copy of a note which I have written to Judge Black, the Secretary of State for the United States.

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Inclosure in No. 2.

*Lord Lyons to Judge Black.*

Sir, *Washington, January* 7, 1861.

I HAVE received official information from Her Majesty's Consul for South Carolina, that the *de facto* authorities of that State have extinguished the light-house, burned, or otherwise destroyed the three beacons, withdrawn the light-ship, and removed the buoys which served as guides to the entrance of the harbour of Charleston. The Consul observes that there is, in consequence, every probability that British ships bound to that harbour, or passing it on their voyage to other places, may get into serious trouble, and that much loss of life and property may ensue.

As regards vessels desiring to leave the harbour, the Consul observes that the case is but little different. Pilots, he says, might indeed be found to take such vessels out, but should any accident happen, it is, he thinks, to be apprehended that the Insurance Companies would refuse compensation; and thus, he believes, few masters would feel justified in running the risk.

I do not doubt that information of this state of things has already reached the Government of the United States, and that such measures as circumstances admit of have been taken, either to cause the lights, beacons, and buoys to be replaced, or at all events to warn vessels approaching Charleston of their danger.

My object in addressing you is, in the first place, to free Her Majesty's Consul for South Carolina and myself from all responsibility for any loss of life and property which may unhappily accrue; in the second place, to obtain on

the highest authority, and as soon as possible, such information respecting the measures taken in the matter as may allay the anxiety of British subjects.

I have, &c.

(Signed) LYONS.

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No. 3.

*Lord Lyons to Lord J. Russell.—(Received January 26.)*

(Extract.) *Washington, January 10, 1861.*

I TRANSMIT to your Lordship a copy of a note which I have received to-day from Judge Black, in answer to my notes of the 31st December and of the 7th instant.

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Inclosure in No. 3.

*Judge Black to Lord Lyons.*

My Lord, *Department of State, Washington, January 10, 1861.*

I HAVE had the honour to receive your Lordship's two notes dated respectively the 31st ultimo and the 7th instant. I have laid them before the President, who directs me to say in reply that he deeply regrets that any injury should happen to the commerce of foreign and friendly nations, and especially that British subjects who are engaged in lawful trade at the port of Charleston should suffer, in consequence of the anomalous state of things which has existed there for a short time past.

It is impossible for this Government to regard the assumption by South Carolina of authority to regulate foreign commerce, and exact duties upon imports, as anything more than one of those acts of sudden and lawless violence by which all Governments are more or less liable to be occasionally disturbed in the exercise of their proper functions.

In your Lordship's first note several cases are put, and you request me to furnish such information respecting them as will enable you to give definite instructions to Her Majesty's Consul at Charleston. The points thus raised will be answered as fully as in the nature of things this Government can speak of events which have not yet occurred.

The jurisdiction of the Federal Government to regulate trade with foreign nations, and to impose duties on goods imported into the United States, is exclusive. Congress, as you are fully aware, exercised this power by passing laws which clearly define the duties, rights, and liabilities of foreigners engaged in that business. This Government cannot acknowledge any standard or legality, or any rule of conduct, other than those prescribed in the Statutes referred to. It necessarily follows from this that payment of duties to a person who is not the proper officer of the United States, and authorized by the laws of the United States, to receive them, will be a mispayment. Nor can a clearance which may be obtained contrary to those laws be regarded as valid by the Federal authorities.

Whether the state of things now existing at Charleston will, or will not, be regarded as a sufficient reason for not exacting the penalties which may be incurred by British subjects is a question which I am very sure you will see the necessity of reserving until it practically arises. It seems to me impossible to deal with it in the abstract, or to lay down any general rule at this moment which might not be misinterpreted hereafter. Each case will, no doubt, have its own peculiarities. The degree of constraint under which the party who violates the law may be compelled to act at the time, and what amount of coercive power South Carolina will bring to bear upon the masters of vessels, or the consignees of cargoes, are facts which may have some influence, but cannot be ascertained now.

I regret that these considerations compel me to decline giving any assurance concerning the intention of the President in regard to the supposed cases you speak of.

Your Lordship's motive in making the inquiry is fully appreciated. Any uncertainty on such a subject is in itself an evil which ought to be removed if it could be. But the reliance which your Lordship cannot but feel in the justice of this Government will, no doubt, quiet all apprehension of ultimate wrong to British subjects, if such wrong can possibly be avoided.

In reply to your Lordship's second note, which concerns the extinguishment of the lights, the destruction of the beacons, the removal of the buoys, &c., which serve as guides to the entrance of the harbour of Charleston, I am unable to say more at the present moment than that notice will be given by the Treasury Department of the condition in which these acts of South Carolina have put the coast.

I avail, &c.
(Signed) J. S. BLACK.

# UNITED STATES.

CORRESPONDENCE with the United States' Government respecting the Suspension of the Federal Custom-house at the Port of Charleston.

*Presented to both Houses of Parliament by Command of Her Majesty.* 1861.

LONDON:
PRINTED BY HARRISON AND SONS.

# CORRESPONDENCE

WITH THE

# UNITED STATES' GOVERNMENT

RESPECTING

# BLOCKADE.

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*Presented to both Houses of Parliament by Command of Her Majesty.*
1861.

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LONDON:
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# Correspondence with the United States' Government respecting Blockade.

No. 1.

*Lord Lyons to Lord J. Russell.*—(*Received May* 14.)

(Extract.) *Washington, April* 27, 1861.

I HAVE the honour to transmit to your Lordship herewith, a copy of a note which I have received to-day from the Secretary of State of the United States, communicating to me printed copies of the President's Proclamation of the 19th April, declaring a blockade of the ports of the States of South Carolina, Georgia, Alabama, Florida, Louisiana, Mississippi, and Texas. I inclose two of those copies of the Proclamation which were sent to me with the note.

The Secretary of State further informs me, in the same note, that another Proclamation has been signed by the President, establishing a blockade of the ports of the States of Virginia and North Carolina.

Inclosure 1 in No. 1.

*Mr. Seward to Lord Lyons.*

*Department of State, Washington, April* 27, 1861.

THE Undersigned, Secretary of State of the United States, has the honour to communicate to Lord Lyons the accompanying printed copies of the President's Proclamation of the 19th instant, declaring a blockade of the ports of the States of South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, and Texas.

The Undersigned has the honour also to inform Lord Lyons that another Proclamation has been signed by the President, and will be published to-morrow, establishing a blockade of the ports of Virginia and North Carolina.

The Undersigned, &c. (Signed) WILLIAM H. SEWARD.

Inclosure 2 in No. 1.

*Proclamation.*

By the President of the United States of America.

WHEREAS an insurrection against the Government of the United States has broken out in the States of South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, and Texas, and the laws of the United States for the collection of the revenue cannot be effectually executed therein conformably to that provision of the Constitution which requires duties to be uniform throughout the United States;

And whereas a combination of persons engaged in such insurrection have threatened to grant pretended letters of marque, to authorize the bearers thereof to commit assaults on the lives, vessels, and property of good citizens of the country lawfully engaged in commerce on the high seas, and in waters of the United States;

And whereas an Executive Proclamation has been already issued, requiring the persons engaged in these disorderly proceedings to desist therefrom, calling out a militia force for the purpose of repressing the same, and convening Congress in extraordinary session to deliberate and determine thereon;

Now, therefore, I, Abraham Lincoln, President of the United States, with a view to the same purposes before mentioned, and to the protection of the public peace, and the lives and property of quiet and orderly citizens pursuing their lawful occupations, until Congress shall have assembled and deliberated on the said unlawful proceedings, or until the same shall have ceased, have further

deemed it advisable to set on foot a blockade of the ports within the States aforesaid, in pursuance of the laws of the United States and of the law of nations in such case provided. For this purpose a competent force will be posted so as to prevent entrance and exit of vessels from the ports aforesaid. If, therefore, with a view to violate such blockade, a vessel shall approach, or shall attempt to leave either of the said ports, she will be duly warned by the commander of one of the blockading vessels, who will indorse on her register the fact and date of such warning, and if the same vessel shall again attempt to enter or leave the blockaded port, she will be captured and sent to the nearest convenient port, for such proceedings against her and her cargo, as prize, as may be deemed advisable.

And I hereby proclaim and declare, that if any person, under the pretended authority of the said States, or under any other pretence, shall molest a vessel of the United States, or the persons or cargo on board of her, such person will be held amenable to the laws of the United States for the prevention and punishment of piracy.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the City of Washington, this nineteenth day of April, in the year of our Lord one thousand eight hundred and sixty-one, and of the independence of the United States the eighty-fifth.

(L.S.) ABRAHAM LINCOLN.

By the President:

(Signed) WILLIAM H. SEWARD, *Secretary of State.*

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No. 2.

*Lord Lyons to Lord J. Russell.*—(*Received May* 17.)

My Lord, *Washington, May* 2, 1861.

I HAVE the honour to inclose a copy of the note by which I acknowledged the receipt of Mr. Seward's note of the 27th ultimo, announcing the intention of this Government to set on foot a blockade of the Southern ports. I was careful so to word my note as to show that I accepted Mr. Seward's communication as an announcement of an intention to set on foot a blockade, not as a notification of the actual commencement of one. I believe that most of my colleagues made answers in the same sense.

I have the honour to transmit to your Lordship copies of the President's Proclamation, announcing the extension of the blockade to the ports of Virginia, and North Carolina, which have been sent to me in a blank cover from the State Department.

I have made it my business, since the entrance of the present Administration into office nearly two months ago, to endeavour to ascertain precisely their intentions with regard to the commerce of foreign nations with the States which have withdrawn from the Union. Up to the day before the blockade was announced, the Government had not itself come to any decision on the subject. Nor did I think it expedient to press it to make any declaration so long as the commercial operations of British merchants and British vessels in the seceded States were carried on without hindrance and without inconvenience. But since the blockade has been proclaimed, I have thought myself entitled to ask with persistence for definite information respecting the mode in which it is to be carried into effect. I had in particular a long conversation on the subject with Mr. Seward, in presence of the Chief Clerk of the State Department, on the 29th ultimo. I had prepared Mr. Seward for the interview by suggesting to him, through the Under-Secretary of State, the advisableness of diminishing the disagreeable impression which the announcement of the blockade would make abroad, by giving, as soon as possible, definite assurances that it would be carried on with a liberal consideration for the interests of foreign nations.

So far as assurances in general terms go, nothing could be more satisfactory than Mr. Seward's language. I did not, however, succeed in obtaining at the time as definite a declaration of the rules which would be observed as I had hoped.

The principal point to which I drew Mr. Seward's attention was the extreme vagueness of the information which was given to us. I referred him to the notifications of blockades made by Great Britain during the late war with

Russia, and pointed out to him the care and precision with which every particular was stated in them. I asked whether it was intended to issue similar notices for each Southern port as soon as the actual blockade of it should commence.

The reply which I received was, that the practice of the United States was not to issue such notices, but to notify the blockade individually to each vessel approaching the blockaded port, and to inscribe a memorandum of the notice having been given on the ship's papers. No vessel was liable to seizure which had not been individually warned. This plan had, I was assured, been found to be in practice the most convenient and the fairest to all parties. The fact of there being blockading ships present to give the warning was the best notice and best proof that the port was actually and effectually blockaded.

The principal objection to the plan appeared to me to be that it might in some cases expose foreign vessels to the loss and inconvenience of making a useless voyage, which a more general and public announcement of the blockade would have prevented.

I observed to Mr. Seward that the limits of the blockade which it was intended to establish were not clearly stated. It was not easy to understand exactly to what extent of coast the expression "the ports within" the States mentioned was applicable. Mr. Seward said that it was intended to blockade the whole coast from Chesapeake Bay to the mouth of the Rio Grande. I observed to him that the extent of the coast between these two points was, I supposed, about 3,000 miles. Surely the United States had not a naval force sufficient to establish an effective blockade of such a length of coast. Mr. Seward, however, maintained that the whole would be blockaded, and blockaded effectively.

I may perhaps be allowed to refer your Lordship to a clear declaration of the principles of the United States on such matters which is contained in a note from Mr. Buchanan dated 29th December, 1846,* and transmitted to the Foreign Office in Sir Richard Pakenham's despatch of the same date.

* *Mr. Buchanan to Mr. Pakenham.*

Sir, *Department of State, Washington, December* 29, 1846.

THE most satisfactory answer which I can give to your note of the 14th instant, communicating to me a copy of a despatch from Lord Palmerston to yourself in relation to Commodore Stockton's notification of blockade, is to furnish you a copy of an order issued by the Navy Department on the 24th instant, to the Commanding Officer of the United States' Naval Forces in the Pacific Ocean.

Whilst the general language employed by Commodore Stockton may be liable to miscontruction, it is yet sufficiently apparent from the whole Proclamation that he did not intend to establish a paper blockade. This would have been equally unwarranted by his instructions and by the principles which the United States have maintained in regard to blockades ever since we became an independent nation.

Whilst I transmit you a copy of the whole order from the Navy Department, for the satisfaction of Lord Palmerston, I desire that no part of it may be made public, except that which specifies what this Government recognizes, and will enforce, as a lawful blockade under the law of nations.

I avail, &c.

(Signed) JAMES BUCHANAN.

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Inclosure.

*Mr. Mason to the Commanding Officers of the United States' Navy in the Pacific Ocean.*

Sir, *Navy Department, December* 24, 1846.

WITH his letter to the Department of the 28th August last, Commodore Stockton transmitted a copy of a paper which he had made public, giving notice of his intention to subject to a vigorous blockade, "all the forts, harbours, bays, outlets, and inlets on the west coast of Mexico, south of San Diego," to be absolute except against armed vessels of neutrals. In giving "to all neutral merchant-vessels found in any of the bays and harbours on said coast, on the arrival of the blockading force, twenty days to leave, it is very obvious that Commodore Stockton did not regard the extensive coast embraced within the limits specified as placed under blockade by the published notice, or that any particular port would be in a state of blockade, until a sufficient blockading force was actually present to enforce it.

In authorizing conquest or blockade on the west coast, the President has desired to subject neutral commerce to the least possible inconvenience or obstruction compatible with the exercise of the belligerent rights necessary to the success of our military operations.

The generality of the language employed by Commodore Stockton, in his notice of intended blockade, it seems, has excited alarm with neutrals in regard to shipments to Mexican ports, and may have prevented their being made; and as it is desirable to avoid any such interference with their commercial adventures in articles not contraband, I invite your attention to the subject, and desire you to take the necessary measures to correct any erroneous impressions which may have been produced.

You will employ the forces under your command in the active prosecution of the war, and establish and maintain the blockade of such of the enemy's ports as you may deem proper in the execution of your orders, giving to neutral vessels in such ports twenty days to leave. But a lawful maritime blockade requires the actual presence of a sufficient force stationed at the entrance of the

Mr. Seward assured me that all foreign vessels already in port when the blockade should be set on foot would be allowed to come out with their cargoes. I asked whether they would be allowed to come out with cargoes shipped after the blockade was actually established. Mr. Seward did not speak positively on this point; what he said, seemed to imply that the time at which the cargo was shipped would not be inquired into. I said that I supposed it was clearly understood that foreign ships coming out of blockaded ports in which there were no United States' Customs authorities would not be interfered with by the blockading squadron on the plea of their being without clearances or other papers required by the Revenue laws.

Mr. Seward said that it was the *bonâ fide* intention of the Government to allow foreign vessels already in port when the blockade was established to depart without molestation.

He did not say that any particular term would be fixed after the expiration of which foreign vessels would no longer be allowed to quit blockaded ports.

He did not repeat to me the assurance he gave some time ago to one of my colleagues that vessels arriving without a knowledge of the blockade would be allowed to go into a blockaded port and come out again.

Nor did he say anything of the intention, which he expressed to another of my colleagues, of proposing to the Legislature that the United States should adhere to the Declaration of the Congress of Paris on Maritime law.

On my pressing Mr. Seward to give me, either in writing, or at all events by a formal verbal announcement, some definite information for the guidance of British merchant-vessels, he promised to send me a copy of the instructions issued to the officers of the blockading squadron, and said he was confident I should find them perfectly satisfactory. He was good enough to add, that if in any individual cases the rules of the blockade should bear hardly on British vessels, he should be ready to consider the equity of the matter, and to receive favourably any representations which I might make on behalf of the interests of British subjects.

Mr. Seward has not yet sent me the copy of the instructions. I reminded him, however, yesterday of his promise, and I hope that he will enable me to transmit a copy to your Lordship by the British packet which will leave New York on the 8th instant.

I have, &c.
(Signed) LYONS.

P.S.—Since I closed this despatch, I have seen in an unofficial newspaper of this morning's date, a notice concerning the blockade of the ports of Virginia, a copy of which I have just time to inclose. I am unable to procure a second copy.

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Inclosure 1 in No. 2.

*Lord Lyons to Mr. Seward.*

*Washington, April* 29, 1861.

THE Undersigned, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States of America, has the honour to acknowledge the receipt of a note of the day before yesterday's date from the Secretary of State, communicating to him a Proclamation which announces, among other things, that a blockade of the ports of South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, and Texas, will be set on foot in pursuance of the law of the United States and the law of nations, and that for

ports, sufficiently near to prevent communication. The only exception to this rule, which requires the actual presence of an adequate force to constitute a lawful blockade, arises out of the circumstance of the occasional temporary absence of the blockading squadron, produced by accident, as in the case of a storm, which does not suspend the legal operation of a blockade. The law considers an attempt to take advantage of such an accidental removal a fraudulent attempt to break the blockade.

The United States have at all times maintained these principles on the subject of blockade; and you will take care not to attempt the application of penalties for a breach of blockade, except in cases where your right is justified by these rules. You should give public notice, that under Commodore Stockton's general notification no port on the West Coast of Mexico is regarded as blockaded unless there is a sufficient American force to maintain it, actually present, or temporarily driven from such actual presence by stress of weather, intending to return.

I am, &c.
(Signed) T. Y. MASON.

this purpose a competent force will be posted so as to prevent the entrance and exit of vessels.

The Secretary of State has, moreover, done the Undersigned the honour to inform him in the same note that it is intended to set on foot also a blockade of the ports of Virginia and North Carolina.

The Undersigned, &c. (Signed) LYONS.

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Inclosure 2 in No. 2.

*Proclamation.*

By the President of the United States of America.

WHEREAS, for reasons assigned in my Proclamation of the 19th instant, a blockade of the ports of the States of South Carolina, Georgia, Florida, Alabama, Louisiana, Mississippi, and Texas, was ordered to be established;

And whereas, since that date, public property of the United States has been seized, the collection of the revenue obstructed, and duly commissioned officers of the United States, while engaged in executing the orders of their superiors, have been arrested and held in custody as prisoners, or have been impeded in the discharge of their official duties without due legal process, by persons claiming to act under authorities of the States of Virginia and North Carolina;

An efficient blockade of the ports of those States will also be established.

In witness whereof I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the City of Washington, this twenty-seventh day of April, in the year of our Lord one thousand eight hundred and sixty-one, and of the Independence of the United States the eighty-fifth.

(L.S.) ABRAHAM LINCOLN.

By the President:

(Signed) WILLIAM H. SEWARD, *Secretary of State.*

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Inclosure 3 in No. 2.

*Extract from an American Newspaper (Unofficial).*

BLOCKADE OF THE PORTS OF VIRGINIA.—OFFICIAL NOTICE SERVED ON THE BAY LINE STEAMERS.—THE steamer "Louisiana," Captain Russell, from Norfolk, arrived at this port yesterday morning, bringing the United States' mail and a number of passengers from the South. The steamer met the "Lancaster," Captain Tomlinson, off North Point, and placed on board the passengers who desired to go North.

It was quite dark when the "Louisiana" reached Fortress Monroe, when Captain Russell was informed by an officer sent in a boat from Commander Prendergrast, of the "Cumberland," that the port was in a state of blockade, and that hereafter he would not be permitted to pass up or down the bay.

There were at least ten ships of war anchored off Old Point, all of which were well manned with seamen and troops. The citizens of Norfolk and Portsmouth were still engaged in erecting harbour defences.

The following is an official copy of the notice of blockade, served on Captain Russell:—

"*United States' Flag-ship 'Cumberland,' off Fortress Monroe, Virginia, April* 30, 1861.

"To all whom it may concern:

"I hereby call attention to the Proclamation of his Excellency Abraham Lincoln, President of the United States, under date of April 27, 1861, for an efficient blockade of the ports of Virginia and North Carolina, and warn all persons interested that I have a sufficient naval force here for the purpose of carrying out that Proclamation.

"All vessels passing the Capes of Virginia, coming from a distance and ignorant of the Proclamation, will be warned off, and those passing Fortress Monroe will be required to anchor under the guns of the fort and subject themselves to an examination.

(Signed) "G. J. PRENDERGRAST,

"*Flag-Officer, Commanding Home Squadron.*"

The steamer "Adelaide," however, left this port on Tuesday evening, with authority from the Secretary of War to continue her trips to Norfolk, not, however, allowing her to carry anything but passengers and mails. The regular boat also left last evening at her usual hour, and the line will therefore be kept up without interruption.

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No. 3.

*Lord Lyons to Lord J. Russell.*—(*Received May* 21.)

(Extract.) *Washington, May* 4, 1861.

IN my despatch of the 2nd instant I had the honour to report to your Lordship that Mr. Seward had promised, on the 29th ultimo, to send me a copy of the instructions issued to the officers of the squadron to be employed in blockading the Southern ports.

I took measures, this morning, to remind Mr. Seward privately of this promise; in return, I received the following communication from the State Department:—

"The Secretary of the Navy has furnished us with a copy of his instructions about the blockade, but as we have not been able to find a precedent for communicating them to the Ministers of foreign Governments, you must not expect a copy at present. You may, however, be thus informally assured that the blockade will be conducted as strictly, according to the recognized rules of public law, and with as much liberality towards neutrals, as any blockade ever was by a belligerent."

Upon this, I caused Mr. Buchanan's note to Mr. Pakenham of the 29th of December, 1846, to be pointed out to Mr. Seward as supplying a precedent for the confidential communication of instructions concerning a blockade.

The following was written to me in answer:—

"I have shown Mr. Seward the precedent to which you refer, but he does not think it would justify him in furnishing a copy of the instructions; for, if given to one, they must be given to all, which might lead to their inconvenient publicity. The blockade, however, will be in strict conformity to the principles mentioned by Mr. Buchanan. The Proclamation is mere notice of an intention to carry it into effect, and the existence of the blockade will be made known in proper form by the blockading vessels."

I had, of course, no other right to ask Mr. Seward for a copy of the instructions than that which he had given me by promising to send me one, in order to remove any unfavourable impression which might be made in Europe by the vagueness of the information given by the United States' Government.

I have the honour to transmit to your Lordship copies of a note addressed by Mr. Seward to the Spanish Minister here; and of an article inserted in the Washington newspaper, which is regarded as the organ of the Administration. These documents appear to contain all the positive information which has hitherto been elicited concerning the mode in which the blockade will be conducted.

I have been informed, but not directly or officially, that in no case will less than fifteen days from the effective establishment of the blockade at each point be allowed for merchant-vessels already in port to take their departure; and that the effective blockade of the mouths of the Mississippi will not be begun until the 25th of this month.

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Inclosure in No. 3.

*Mr. Seward to Señor Tassara.*

Sir, *Washington, May* 2, 1861.

IN acknowledging the receipt of your note of the 30th ultimo, on the subject of the blockade of the ports in several of the States, I deem it proper to state for your further information—

1. That the blockade will be strictly enforced upon the principles recognized by the law of nations.

2. That armed vessels of Neutral States will have the right to enter and depart from the interdicted ports.

3. That merchant-vessels in port at the time the blockade took effect will be allowed a reasonable time for their departure.

I avail, &c.

(Signed) WILLIAM H. SEWARD.

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No. 4.

*Lord Lyons to Lord J. Russell.—(Received May 26.)*

My Lord, *Washington, May* 11, 1861.

WITH reference to my despatches of the 27th ultimo, and of the 2nd and 4th instant, I have the honour to transmit to your Lordship copies of a correspondence which I have held with some of Her Majesty's Consuls, and with the Secretary of State of the United States, relative to the blockade of the Southern ports.

I have also the honour to inclose a copy of a despatch in which I have acquainted Rear-Admiral Sir Alexander Milne of the general result of inquiries made by me or other Foreign Ministers here, as to the manner in which the blockade will be conducted.

I have not succeeded myself, nor, so far as I know, have any of my colleagues succeeded, in obtaining a relaxation of the rigour of the blockade, either in favour of any neutral flag, or in individual cases of hardship.

I have not received intelligence of the issue of any notification announciug the actual commencement of the effective blockade of any of the ports, except the notification concerning the ports of Virginia and North Carolina, of which I transmitted to your Lordship, with my despatch of the 2nd instant, a copy taken from a newspaper, and of which a copy forms also Inclosure 17 in this despatch.

I have, &c.

(Signed) LYONS.

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Inclosure 1 in No. 4.

*Consul Archibald to Lord Lyons.*

My Lord, *New York, May* 3, 1861.

AMONG the applications which are made to me from day to day by British subjects for advice and assistance in reference to the interruption of their trade with Southern ports blockaded or about to be blockaded by order of the United States' Government, there are two which I think it well to bring under your Lordship's notice, and respecting which I cannot but think that the United States' Government, on being made acquainted with the circumstances of them, would grant permission to the applicants to remove the property in question.

In the case referred to in the inclosed copy of a letter from Mr. J. Leaycroft, a British resident merchant, it appears that a quantity of staves actually bought and paid for by British subjects, are lying at a port in Virginia, and all that is desired is permission to send British vessels in ballast from hence to carry the property to its destination in a British Colony.

The case submitted by Mr. John B. Adams, a British resident merchant, of whose letter a copy is also inclosed, is similar in its character, with the additional circumstance that the timber in this instance is destined for the service of Her Majesty's Government.

I beg your Lordship will be so good as to bring these applications under the notice of the United States' Government, and inasmuch as the removal in British bottoms of the property in question cannot injuriously interfere with the purpose for which the blockade has been established, I trust the Government of the United States may be pleased to authorize the Collector at this port to grant permission, under the special circumstances of the case, to British vessels to proceed, in ballast, to the ports specified, for the purpose of removing the property in question, which otherwise will be subject to serious detriment.

I have, &c.

(Signed) E. M. ARCHIBALD.

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Inclosure 2 in No. 4.

*Mr. Leaycroft to Consul Archibald.*

Sir, *New York, May* 3, 1861.

I HAVE instructions to forward British vessels to Norfolk, Virginia, to remove three cargoes belonging to British subjects in the Colony of British Guiana, viz., one cargo belonging to Messrs. George Little and Co., Demerara, another to T. Barber and Co., Demerara, and the other to James E. Perot, Berbice.

The parties from whom said cargoes have been bought at Norfolk, Messrs. James M. Smith and Brothers, told me under date 27th April that there is no difficulty in shipping same in British bottoms, and I can get British vessels to go hence for cargoes, but I cannot get a clearance at the New York Custom-house whereby they can go to sea, and I shall be glad if you can in any way aid me to remove the property in British ships.

I am, &c.

(Signed) J. LEAYCROFT.

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Inclosure 3 in No. 4.

*Mr. Adams to Consul Archibald.*

Sir, 115, *Wall Street, New York, May* 3, 1861.

I BEG to request your assistance to me under the following circumstances.

In January last a contract was made between Messrs. A. Leak and Co., London, and Mr. Mary, of Hampton, Virginia, through me, for 200,000 of Government oak planks, to be delivered at his miils, mouth of Warwick Creek, James river, Virginia. The plank is all ready cut and lying there, and the money paid into bank for it. But since these troubles have arisen, Mary (who is a Massachusetts man) has left his mills, and the timber cannot be shipped to New York as agreed. But he has left it so that, he says, I can have it if a British vessel goes for it. It is not a full cargo, but I could make up the cargo either at New York or St. John's, New Brunswick, and would, if I could get it out, ship it to St. John's and reship it thence. The timber is to go to Woolwich or Deptford dockyard, and had it not been for the deep snow in the end of March, would have been out of danger. If left lying in the sun it will be quite spoiled for navy use.

As it is for the use of the English Government, I think, perhaps, Lord Lyons might be able to get me a pass for it through the blockade, and, as it was all transacted before these troubles, it seems hard that I and other British subjects should suffer.

Hoping to hear you can help me, I am, &c.

(Signed) JOHN B. ADAMS.

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Inclosure 4 in No. 4.

*Consul Bernal to Lord Lyons.*

My Lord, *Baltimore, May* 3, 1861.

I HAVE the honour to inclose herewith copy of a letter I have received from Mr. Perot, a British subject residing in this city, asking for information touching a large quantity of staves lying at Norfolk, the property of British subjects, and which the sudden blockade of Norfolk by the Federal Government has prevented him from removing.

Another gentleman has also called and asked for information on the three following points:—

1. Does the blockade affect a British vessel at present loading in James river?

2. Can a British vessel be chartered now, in a port where the blockade is known of, to go to a port in Virginia and load with British property?

3. Will the fact of an American vessel being partly laden on British account make any difference in respect of the blockade?

I have, &c.

(Signed) FREDERIC BERNAL.

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Inclosure 5 in No. 4.

*Mr. Perot to Consul Bernal.*

Sir, *Baltimore, May* 2, 1861.

THE Undersigned, a British subject resident in and transacting business in Baltimore, recently purchased, for account of J. E. Perot and Co., merchants of Berbice, British Guiana, 100,000 staves, in Norfolk, Virginia, which staves are British property, and I am desirous of sending a vessel to Norfolk to convey said property to the owners at Berbice. I also represent Messrs. George Little and Co., and Messrs. Samuel Barber and Co., of Demerara, British Guiana, each of which firms has a cargo of staves in a similar position at Norfolk, and which I desire, as their agent, to remove from Norfolk to Demerara, by sending vessels to load them.

The sudden announcement of blockade of the ports of Virginia by the United States' Government has given me no opportunity of carrying out my instructions to forward the above property to its owners in British Guiana, and I am, therefore, desirous of knowing how such announcement of blockade affects this property, and whether any representation through Her Majesty's Minister at Washington will enable me to send British vessels for the removal of the said property belonging to British subjects.

I have, &c.
(Signed) W. H. PEROT.

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Inclosure 6 in No. 4.

*Lord Lyons to Mr. Seward.*

Sir, *Washington, May* 7, 1861.

BEING confident that the Government of the United States is disposed to consider in a liberal spirit all cases in which the interests of foreigners are affected by the blockade which has been announced, I do not hesitate to submit to you the inclosed papers. They relate to staves and timber, the property of British subjects, the removal of which from Norfolk in Virginia may be interfered with by the blockade.

I have, &c.
(Signed) LYONS.

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Inclosure 7 in No. 4.

*Mr. Seward to Lord Lyons.*

My Lord, *Department of State, Washington, May* 7, 1861.

I REGRET to say that the rules in regard to the blockade of the Southern ports which have been already established prevent the concession to the parties interested in staves and timber at Norfolk solicited by them in the letters of Her Britannic Majesty's Consul at New York, which you have submitted to me with your note of this date. The same rules have been already enforced against American merchants having cotton at Norfolk, which they are desirous to bring away in American bottoms.

I have, &c.
(Signed) W. H. SEWARD.

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Inclosure 8 in No. 4.

*Consul Moore to Lord Lyons.*

My Lord, *Richmond, May* 5, 1861.

I HAVE the honour to state, that in consequence of the blockade of the ports of Virginia, a variety of questions have arisen, and others may arise, affecting British trade. I therefore beg leave to ask if your Lordship has any instructions to give me for my guidance, and if I should be allowed to correspond, in case of need, with the commanding officer of the blockading squadron for the protection

and furtherance of British trade in these waters, in case it should be possible for me to communicate with him under a flag of truce.

I have but two British vessels left within my Consular district, one of 445 tons and one of 63 tons, and if I could be permitted to clear them for England with cargoes partially owned on British account and indirectly wholly connected with British trade, it would remove possible complications and be but a small infraction, if any, of the laws of blockade.

I have, &c.
(Signed) GEORGE MOORE.

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Inclosure 9 in No. 4.

*Consul Moore to Lord Lyons.*

(Extract.) *Richmond, May* 5, 1861.

THERE are parties here about to load the British ship "Hiawatha" at City Point for Liverpool under the impression that she will be allowed free egress by the blockading squadron. I have told persons who are here representing the owners of the ship, that I see no difficulty to the ship leaving in ballast, but to this they will not consent, as the ship came here expressly from Liverpool at a nominal freight to load a remunerative cargo back.

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Inclosure 10 in No. 4.

*Lord Lyons to Consul Moore.*

(Extract.) *Washington, May* 7, 1861.

I HAVE received to-day your despatch of the 5th instant, asking me if I have any instructions to give you respecting the blockade of the ports of Virginia which has been set on foot by the Government of the United States.

With regard to the question which you ask as to the propriety of your communicating with the commanding officer of the blockading squadron, I recommend you to be guided solely by the consideration whether, on the whole, you will best serve the interests of British subjects by holding such communication or by abstaining from it. There can, of course, be no objection in point of form, so far as the British Government is concerned, to your communicating with the naval officers of the United States. But it is possible that by doing so you might give rise to suspicion or annoyance which might diminish your power of exerting an influence with the local authorities beneficial to British subjects.

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Inclosure 11 in No. 4.

*Lord Lyons to Mr. Seward.*

Sir, *Washington, May* 8, 1861.

THE inclosed extracts* from letters which I received yesterday from Her Majesty's Consul in Virginia, will make you acquainted with a case of some hardship concerning a British vessel, the "Hiawatha." This vessel having come to City Point with a nominal freight in order to take on board a remunerative cargo for the voyage back, may be compelled to return home in ballast in consequence of the blockade, of which, of course, her owners could have had no knowledge when they sent her out.

Being assured of the readiness with which the United States' Government is inclined to receive representations in favour of foreign commercial interests, I venture to submit this case for consideration, and to request an early answer respecting it.

I have, &c.
(Signed) LYONS.

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* These extracts consist of the last paragraph of Inclosure 8, *ante*, and the whole of Inclosure 9.

Inclosure 12 in No. 4.

*Mr. Seward to Lord Lyons.*

My Lord, *Department of State, Washington, May* 9, 1861.

I HAVE the honour to acknowledge the receipt of your communication of yesterday, relative to the exemption of the British vessel "Hiawatha," now in Virginia waters, from the operation of the existing blockade of the ports of the State.

Having submitted the matter to the Secretary of the Navy, I now have the honour to inclose to you a copy of that officer's reply, from which it will be seen that there are yet remaining five or six days for neutrals to leave.

I have, &c.
(Signed) WILLIAM H. SEWARD.

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Inclosure 13 in No. 4.

*Mr. Wells to Mr. Seward.*

Sir, *Washington, May* 11, 1861.

IN answer to Lord Lyons' letter of the 9th instant, I have the honour to inform you that neutral vessels will be allowed fifteen days to leave port after the actual establishment of the blockade, whether such vessels are with or without cargoes.

I have, &c.
(Signed) GIDEON WELLS.

---

Inclosure 14 in No. 4.

*Lord Lyons to Mr. Seward.*

Sir, *Washington, May* 9, 1861.

I BEG to thank you for your note of this day's date relative to the case of the "Hiawatha," a British ship now at City Point, in Virginia.

You have done me the honour to send to me therewith a copy of a letter from the Secretary of the Navy, in which it is stated that "fifteen days have been specified as a limit for neutrals to leave the ports after actual blockade has commenced, with or without cargo."

In order to avoid all possible mistake with regard to the "Hiawatha," as well as to future cases of the same kind, I venture to request you to inform me whether I am right in concluding, from the statement just quoted, that the date of the shipment of the cargo is immaterial, and that vessels leaving the ports before the expiration of the fifteen days will be allowed to proceed with their cargoes, whether such cargoes were shipped before or after the actual beginning of the effective blockade.

I have, &c.
(Signed) LYONS.

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Inclosure 15 in No. 4.

*Mr. Seward to Lord Lyons.*

My Lord, *Washington, May* 11, 1861.

I HAVE the honour to acknowledge the receipt of your note of the 9th instant, in which application is made for certain information regarding the blockade, and to transmit to you herewith the copy of a letter of this date from the Secretary of the Navy, to whom the matter was referred, in answer to your inquiry.

I have, &c.
(Signed) WILLIAM H. SEWARD.

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Inclosure 16 in No. 4.

*Mr. Wells to Mr. Seward.*

Sir, *Navy Department, May* 9, 1861.

I HAVE the honour to acknowledge the receipt of your letter of yesterday, inclosing a note of Lord Lyons, relative to British vessels in Virginia waters, which it is desired to exempt from the operation of the blockade, and inquiring when the blockade of the ports of Virginia may be considered to have commenced; also "whether the exemption asked for by Lord Lyons may with propriety be granted."

In answer to the inquiry, I beg leave to refer you to a copy, herewith inclosed, of the notice issued by Flag Officer Prendergrast on the 30th of April, warning all persons that he had a sufficient force to carry into effect the blockade. This notice was sent to the Baltimore and Norfolk papers, and by one or more of them published.

Fifteen days have been specified as a limit for neutrals to leave the ports, after actual blockade has commenced, with or without cargo, and there are yet remaining five or six days for neutrals to leave. With proper diligence on the part of persons interested, I see no reason for exemption to any.

I am, &c.

(Signed) GIDEON WELLS.

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Inclosure 17 in No. 4.

*Proclamation.*

To all whom it may concern:

I HEREBY call attention to the Proclamation of his Excellency Abraham Lincoln, President of the United States, under date of the 27th April, 1861, for an efficient blockade of the ports of Virginia and North Carolina, and warn all persons interested that I have a sufficient naval force there for the purpose of carrying out that Proclamation.

All vessels passing the Capes of Virginia, coming from a distance, and ignorant of the Proclamation, will be warned off, and those passing Fortress Monroe will be required to anchor under the guns of the fort, and subject themselves to an examination.

*United States' Flag-ship "Cumberland," off Fortress Monroe, Virginia, April* 30, 1861.

(Signed) G. J. PENDERGRAST,
*Commanding Home Squadron.*

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Inclosure 18 in No. 4.

*Lord Lyons to Mr. Seward.*

Sir, *Washington, May* 11, 1861.

I BEG to offer you my thanks for the answer which you have been so good as to make this morning to the note which I had the honour to address to you the day before yesterday. I stated in that note that in order to avoid all possible mistake, either with regard to the particular vessel to which it related, or with regard to future cases of the same kind, I ventured to request you to inform me whether I was right in concluding that the date of the shipment of the cargo was immaterial, and that vessels leaving blockaded ports within fifteen days from the actual commencement of the effective blockade would be allowed to proceed with their cargoes, whether such cargoes were shipped before or after the commencement of the blockade.

You have been so obliging as to send me a letter from the Secretary of the Navy, written this morning, in answer to the note I have just quoted, and stating that vessels will be allowed fifteen days to leave port after the actual establishment of the blockade, whether such vessels are with or without cargoes.

I have, consequently, instructed Her Majesty's Consuls to advise masters of

British vessels that they are at liberty to take cargo on board as well after as before the commencement of the blockade, and that they will be allowed fifteen days to go to sea, whether with or without cargoes, and whether their cargoes be shipped before or after the actual commencement of the effective blockade.

Repeating my thanks to you for promptly enabling me to communicate to those concerned information so important to their interests, I have, &c.

(Signed) LYONS.

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Inclosure 19 in No. 4.

*Lord Lyons to Her Majesty's Consuls at New Orleans, Charleston, Richmond, Galveston, Savannah, and Mobile.*

(Extract.) *Washington, May* 11, 1861.

NEUTRAL vessels will be allowed fifteen days to leave port after the actual commencement of the blockade, whether such vessels are with or without cargoes, and whether the cargoes were shipped before or after the commencement of the blockade.

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Inclosure 20 in No. 4.

*Lord Lyons to Rear-Admiral Sir A. Milne.*

Sir, *Washington, May* 11, 1861.

WITH reference to my despatch of the 27th ultimo, I have the honour to inclose copies of the following documents :—

1. Proclamation of the President of the United States, dated April 27th, announcing his intention to blockade the ports of Virginia and North Carolina.

2. Notification of the actual effective blockade of the ports of those States, issued on the 30th April, by Flag Officer Prendergrast of the United States' Navy. I have not received intelligence of the issue of any other notification announcing the actual commencement of an effective blockade.

3. A notice headed "Important Commercial Information," published in a newspaper which is the organ of the Administration, and giving some information respecting the mode in which the rules of blockade will be applied.

4. A list of the vessels of which the blockading squadron is to be composed, taken from the "New York Herald" newspaper of the 4th instant. I cannot vouch for the correctness of this last document, but it may serve to give an approximate idea of the amount and character of the force to be employed.

The general result of inquiries made by me or other Foreign Ministers here, as to the manner in which the blockade will be conducted, appears to be—

1. That the date of the commencement of the blockade in each locality will be fixed by the issue of a notice by the commanding officer of the squadron appointed to blockade it. It does not, however, appear to be intended that such notice shall be officially communicated to the Governments of neutral nations, or to their Representatives in this country.

2. That fifteen days from the beginning of the effective blockade will be allowed in every case for neutral vessels, already in port, to put to sea.

3. That until the fifteen days have expired, neutral vessels will be allowed to come out with or without cargoes, and whether their cargoes were shipped before or after the commencement of the blockade.

4. That, except in the last-mentioned particular, the ordinary rules of blockade will be strictly enforced.

5. The armed vessels of the neutral States will have the right to enter and depart from the blockaded ports.

I continue to be of opinion that, provided the blockade be effective, and be carried on in conformity with the Law of Nations, we have no other course, in the absence of positive instructions from Her Majesty's Government, than to recognize it.

I have, &c.

(Signed) LYONS.

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# Correspondence with the United States' Government respecting Blockade.

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*Presented to both Houses of Parliament by Command of Her Majesty.* 1861.

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